THE American POLITICAL SCIENCE Review

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THREE CONSTITUTIONAL COURTS: A COMPARISON*

TAYLOR COLE
Duke University

Two years ago, when an astute critic made a half-century appraisal of comparative politics in the United States, he reminded us that the American Political Science Association was founded in 1903 as an outgrowth of moves to establish a National Conference on Comparative Legislation.[1] During the more than half-century that followed, the writings in comparative government and politics have reflected the influences which have made themselves felt in the discipline as a whole. The attention given by Charles E. Merriam after World War I to "informal government," "underlying processes and relations," and "social bases of political cohesion" is fully appreciated now by those who are projecting comparative studies of political socialization.[2] In the 1930s, Carl J. Friedrich's writings pointed up the need for more adequate conceptualization when combined with appropriate appreciation of empirical research.[3] Mention should also be made of the earlier works of Herman Finer.[4] In their respective ways, albeit in varying degrees, all of these writers recognized the need for an increased emphasis upon the informal and extra-legal factors affecting the political process, and for more concern with generalization and theory.

Prior to World War II, there had been a growing belief in some quarters that much of the work in comparative government was a mere parochial accumulation of facts about Western institutions.[5] The needs experienced during the War called for far more systematic classification and interpretation of existing data, as well as for the use of new sources of information. Developments of the postwar period—the cold war, the anti-colonial movements, and the growth of nationalism in various parts of the globe—helped place a premium on policy-oriented research.

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* Presidential address delivered at the annual meeting of the American Political Science Association, Washington, D.C., September 3, 1959.

[1] Sigmund Neumann, "Comparative Politics: A Half-Century Appraisal," *Journal of Politics*, Vol. 19, pp. 369–90 (1957).

[2] Note particularly his *Making of Citizens* (Chicago, 1931), with the subtitle, "A Comparative Study of Methods of Civic Training," in which Merriam sought to summarize and provide a central interpretation for eight country studies in a series on civic training.

[3] See the introductory chapter of his *Constitutional Government and Politics* (Boston, 1937), subsequently published in revisions under the title of *Constitutional Government and Democracy*.

[4] Esp., *Theory and Practice of Modern Government* (2 vols., London, 1932).

In this setting, and cognizant of the efforts in the social science disciplines to seek for a greater comparability of research findings, the Committee on Comparative Politics of the Social Science Research Council was established in 1954. On the basis of some common orientation and with a bias for functional analysis, this committee has encouraged a large number of studies focused on political groups in Western and non-Western countries.[6] These efforts are necessarily experimental. They have provoked some questions as to whether the interest group approach will lead to better understanding of political institutions and behaviors than would other approaches.[7] Notwithstanding, this "pioneering" represents one of the most promising and provocative group research efforts in comparative politics today.

Work in comparative administration has also developed rapidly since World War II under the auspices of governments, universities, and professional societies. Moreover, serious attempts are being made to move beyond the "action research" which has held the center of the stage in the past.[8] New American journals have appeared, such as the *American Journal of Comparative Law*, and *Comparative Studies in Society and History*. Both foreign and domestic institutes and centers are directing greater attention to research in comparative politics. This is also true of the international associations, including the International Political Science Association. *The Study of Comparative Government and Politics*, edited by Gunnar Heckscher,[9] and *Interest Groups on Four Continents,* edited by Henry W. Ehrmann,[10] embody some of the reflections of foreign and American political scientists on the scope, methodology, objectives, and trends in comparative politics.

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[5] *E.g.*, Roy C. Macridis, *The Study of Comparative Government* (New York, 1955).

[6] Over 100 articles, and formal and informal papers, have resulted from the work of the Committee. For an explanation of its evolving rationale, see Gabriel A. Almond, "A Comparative Study of Interest Groups and the Political Process," this REVIEW, Vol. 52, pp. 270–82 (1958), and Lucian W. Pye, "Political Modernization and Research on the Political Socialization Process" (mimeo, July, 1959). The major collective and interpretive effort of this Committee to date is the forthcoming volume, *The Politics of the Underdeveloped Areas*, which deals with the characteristics and classification of the political systems and the process of political development in the new countries of Africa, South America, South Asia, and the Middle East, by Gabriel A. Almond, James S. Coleman, Lucian W. Pye, George O. Blanksten, Dankwart A. Rustow, and Myron Wiener.

[7] Joseph LaPalombara, "The Utility and Limitations of Interest Group Theory in Non-American Field Situations" (mimeographed ms. of paper to appear in a forthcoming issue of the *Journal of Politics*), p. 6.

[8] Note the current program of the American Society for Public Administration. On the literature, see, for example, Robert V. Presthus, "Behavior and Bureaucracy in Many Cultures," *Public Administration Review*, Vol. 19, pp. 25–35 (1959).

As Charles S. Hyneman recently reminded us in his *The Study of Politics,*[11] there are many paths for the laborer to follow in this vineyard. Each of us will doubtless be guided in that direction to which his interest, training, and experience point.

This evening, we have set for ourselves a modest assignment in an area which has received too little attention and which is deserving of more study in the future. That will be to examine, comparatively, the Constitutional Courts of three Western European countries—those of West Germany, Italy, and Austria. We shall discuss the reasons for their creation, some of their most significant decisions, and the general position which they occupy in their own political systems.

I

Constitutional Courts have been established in the three countries in accordance with the provisions of their respective Constitutions, as implemented by the necessary legislation. These Constitutions are the Austrian one of 1920 (as amended in 1925 and 1929) which was reinstituted during the uncertain postwar period in 1945, the Italian Constitution of 1948, and the West German Basic Law of 1949. Though the Austrian Constitution presents a special case, all three may be classed as of post-World War II vintage. The Constitutions of West Germany and Italy were the product of negative revolutions, reflecting a deep distaste for the "dismal past." As characterized by our Chairman of this evening, "the political theory of the new Constitutions which are democratic in the traditional Western sense . . . revolves . . . around four major focal points which distinguish them from their predecessors: (1) reaffirmation of human rights, *but* (2) efforts to restrict these rights in such a way as to make them unavailable to the enemies of constitutional democracy, (3) stress upon social goals and their implementation through socialization, *but* (4) efforts to circumscribe the goals and their implementation in such a way as to prevent the reëmergence of totalitarian methods and dictatorship."[12] To achieve these goals, the specially provided Constitutional Courts were to play an important part.

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[9] (London, 1957).

[10] (Pittsburgh, 1958).

[11] (Urbana, 1959).

[12] C. J. Friedrich, "The Political Theory of the New Democratic Constitutions," *Review of Politics*, Vol. 12, pp. 217–18 (1950).

In seeking the explanations for the adoption of these special Courts, we are reminded that judicial review in continental Europe, as in the United States, had its roots in the higher law background and conceptions of ancient and medieval times. The precedents for special courts to protect the fundamentality of the Constitution can be traced at least as far back as the 18th century, when written constitutions came into being,[13] with the proposals of Abbé Siéyès in the 1790s for the creation of a constitutional jury. The work of a succession of distinguished advocates of judicial review, who refused to accept some of the implications and influences stemming from the French Revolution, followed at later periods.

That this heritage and this special advocacy were alone inadequate to account for the later creation of Constitutional Courts is evident from a glance at the history of Western Europe. It was not until postmortems on World War I that the Austrian Constitutional Court came into being. And there were particular considerations after World War II which gave an impetus to the establishment of special courts in West Germany and Italy.

The most obvious influence was that of national precedent. In the case of West Germany, there were precedents which could be traced from the constitutional proposals of the National Assembly of 1848 down to the history of the National Supreme Court (*Reichsgericht*), and of the High Court (*Staatsgerichtshof*) of the Weimar period. The High Court had jurisdiction over the settlement of disputes between states (*Länder*) and between states and the *Reich*, as well as over impeachment cases. The Supreme Court passed upon the compatibility of state laws with federal laws, and it reviewed the constitutional validity not only of state, but also in several instances of federal legislation. But there were various limitations which operated to restrict the scope and effectiveness of the activities of these Courts. In Austria, traces of the Austrian Constitutional Court can be found in constitutional developments of the period between 1848–1851, and especially in the establishment in 1867 of the Court of the Empire (*Reichsgericht*). As time went on, this Court exercised jurisdiction over the claims of the provinces (*Länder*) against the Empire and *vice versa;* it dealt with conflicts of competence between judicial and administrative authorities at both the provincial and national level, and with complaints of citizens over the violation of constitutionally guaranteed political rights after other remedies had been exhausted. As for Italy, though there were certain pre-1922 procedures and institutions which pointed toward judicial review, these were of limited significance. The first noteworthy Italian precedent was provided by the Sicilian High Court, created by the Regional Statute of May 15, 1946.

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[13] David Deener, "Judicial Review in Modern Constitutional Systems," this REVIEW, Vol. 46, pp. 1079–83 (1952).

Foreign example can also be stressed. Certain of the practices and procedures in Switzerland, particularly the use of the constitutional complaint, were given serious attention during the drafting of the Bonn Basic Law. The exercise of judicial review by the United States Supreme Court has received continued attention in European countries. As one Italian professor has observed, the "impact of *Marbury* vs. *Madison* was felt in Italy almost a century and a half after the decision."[14] To these considerations may be added indirect pressures which were brought to bear by the occupying powers after 1945, especially by the United States in Germany. However, evidence that direct Allied pressure was responsible for the final action taken is lacking in all three instances.[15]

But it was definitely the reaction to excesses of the Fascist and Nazi regimes which was the most important factor in the decisions finally taken in Austria to restore her Constitution of 1920, as amended in 1925 and 1929, with its provision for a Constitutional Court; and in Italy and Germany, to establish new Courts. There was remarkable unanimity among most of the democratic parties in all three countries to grant the power of judicial review to some type of court. This same reaction helps explain the incorporation of elaborate bills of rights, to protect the individual, and of federalistic arrangements which, while borrowing from the past, were directed against the centralization of the Fascist period. Judicial review, in some hands, was widely accepted as necessary to safeguard these guaranteed liberties and arrangements. Disagreements existed over the type of court, its organization and composition, and over the method of selecting the judges. The answers were provided by the special Constitutional Courts. In short, external influences and pressures combined with domestic concerns to explain the final decisions which were taken.

The most controversial of these decisions, as evidenced in the debates in the Constituent Assembly in Austria in 1919–20, and in the German Parliamentary Council and the Italian Constituent Assembly between

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[14] Giuseppino Treves, "Judicial Review of Legislation in Italy," *Journal of Public Law*, Vol. 7, p. 345 (1958).

[15] Even in Germany, there is considerable evidence for the view expressed by Rudolf Katz, Vice President of the Federal Constitutional Court, that there was no necessary causal relationship between the original Allied demands and the final German action. See comments and literature cited in the author's "The West German Federal Constitutional Court: An Evaluation after Six Years," *Journal of Politics*, Vol. 20, pp. 283–84 (1958), and "The *Bundesverfassungsgericht*, 1956–1958: An American Appraisal," *Jahrbuch des Öffentlichen Rechts*, Vol. 8, pp. 29–47 (1959).

1946–49, turned on the manner of selecting the judges. These discussions were concerned with the degree of independence to be accorded the Court from the political departments, especially from the parliament. In all three instances, compromises were effected, which provided for a method of selection differing from that used in choosing the judges of the highest regular court and which allowed for some participation by both houses of parliament in the selection process. Today, in Germany the 20 judges of the two Senates, or "twin courts," are selected by parliament, one-half of them by the *Bundestag* and one-half by the *Bundesrat;* six of them are chosen from the judiciary for life and the remainder for 8-year terms. In Italy, one-third of the 15 judges are chosen by the magistracy of the three highest Courts (Cassation, Council of State, and Accounts), one-third by the two houses of parliament sitting together, and one-third by the President—all eventually to hold office for 12-year terms. In Austria, the President, the Vice President, and 6 of the additional 12 judges, as well as 3 substitutes, are appointed by the President from nominees of the Federal Government; the remaining 6 judges, and 3 substitutes, are appointed in part on the recommendation of the lower house, the National Council, and in part on the recommendation of the upper house, the Federal Council. Unlike a majority of the German justices and all of the Italian justices, these are appointed for life. No instances of the use of the removal power over members by the Courts[16] during the post-World War II period have been recorded, though there have been resignations. In the three countries, provisions are made for the appointment to the Courts of practicing judges and high administrative officials, as well as professors of law. Indeed, the substantial percentage of professors on all of the Courts[17] reflects the long-established practice in continental European countries to look toward the universities in making high judicial appointments.

Partisan considerations have played their part in the selections, though it has not always been possible to document the extent to which such factors have been controlling. The many early criticisms of the German procedure of selection have been based in part on the charge that political affiliation was more important than professional attainment, but it should be noted that all of the German judges except two have been elected unanimously, and re-election has been customary. The operation of *Proporz*, that is, the proportional allocation of administrative and other posts on the basis of the strength of the two major coalition parties, was discussed in 1957, in connection with the appointment of a new president of the Austrian Constitutional Court.[18] Italy had the greatest difficulties in securing the enabling legislation necessary to implement the constitutional provisions regarding the Court[19] and in selecting the judges after the implementing legislation had been finally passed in 1953. The requirement that 5 of the judges must be selected by a three-fifths majority of the two houses of parliament, where approximately 40 per cent of the seats were held by the left-wing parties which demanded representation, presented particular difficulties and provided the background for much of the maneuvering which occurred.[20]

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[16] In West Germany, by the Federal President upon the request and with the consent of the Court; in Italy and Austria, by the Courts acting directly.

[17] Of the present 20 justices on the German Federal Constitutional Court, seven are professors (who retain their professional status on a part-time basis); and of the 15 justices in Italy at the end of 1958, some 10 held the title of professor. The President and Vice President, as well as other members of the Austrian Constitutional Court today, are professors in Vienna and other universities. The Constitutional Council of the Fifth French Republic (which can hardly be designated as a "constitutional court") contains no professor of law for special reasons. See Stanley H. Hoffmann, "The French Constitution of 1958: I. The Final Text and Its Prospects," this REVIEW, Vol. 53, p. 341, n. 37 (1959).

But, withal, there has been only limited criticism of the judges after their selection; on the contrary, there has been general commendation, though the anonymity attached to the method of making decisions and the absence of dissenting opinions may offer protection from public criticism of the partisan and incompetent judge. In short, the judges have become "judicialized" rather than "politicalized" with the passage of time.

The jurisdiction of the West German Constitutional Court is the most extensive and that of the Italian Court the most limited of the three Courts. With variations as to scope and application, the Courts in all three countries have the power to review the constitutionality of federal and state, or provincial and regional, legislation.[21] They pass upon disputes involving "conflicts of competence" between the central governments and the states, provinces, or regions, as well as between these latter political units. They also can decide jurisdictional disputes between "organs" of government at the national level in West Germany and Italy, and between the courts, or courts and administrative authorities, in Austria. They can try impeachments or accusations against certain officials at the national level in West Germany and Italy, or against federal and provincial officials in Austria. Both the Austrian and West German Courts have some jurisdiction in cases involving disputed elections and international law. In addition, each Court possesses some special competences which are unique to it. For example, the West German Court may pass upon the constitutionality of political parties and the forfeiture of basic rights. Advisory opinions were authorized by legislation in Germany until the repeal of the empowering provisions in 1956.

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[18] See *Berichte und Informationen*, Dec. 6, 1957, and *Die Wochen-Presse*, Dec. 29, 1956 and Jan. 19, 1957; also Herbert P. Secher, "Coalition Government: The Case of the Second Austrian Republic," this REVIEW, Vol. 52, p. 799 (1958).

[19] One of the several reasons for this delay was the hesitancy of parliament to set up a body which would restrict parliament's powers. See John Clarke Adams and Paolo Barile, "The Italian Constitutional Court in Its First Two Years of Activity," *Buffalo Law Review*, Vol. 7, pp. 250–265 (1957–58). This difficulty has reminded these two authors of the legendary story of Bertoldo, who was sentenced to be hanged and then was entrusted with the responsibility of finding an appropriate tree. In Bertoldo's case there were explainable delays.

[20] Note the account in David G. Farrelly, "The Italian Constitutional Court," *Italian Quarterly*, Vol. 1, pp. 53–56 (1957).

[21] All three differentiate between "incidental" proceedings, arising out of a pending trial, and "principal" proceedings, *i.e.*, those instituted by a governmental organ.

But a mere mention of the competences of the Courts will tell little, without a recognition that their functioning depends heavily upon the nature of the social structures within which they operate. These societies have been referred to as fragmented ones in which there is sharp competition between political cultures. The extent of political involvement by the citizen and the development of institutional pluralism vary in the three countries; the degree of consensus, on procedural if not substantive matters, is lower in all instances than that to be found, for example, in Britain.[22] The legal backgrounds of the three countries, with their differing ingredients of Roman and Germanic law, affect the position of the judges. And there are many other considerations which have a bearing on the role of the Courts. The federalism of West Germany and Austria, and the "attenuated federalism" of Italy, merit particular attention. The nature of the party system (with the trend toward the two-party system in West Germany, government by party cartel "with built-in opposition" in Austria,[23] and shifting coalitions based upon a mass party in the center in Italy) affects the legislative product of the parliaments which is subject to review by the Courts. We must of necessity leave these matters with only passing mention, though with a full appreciation of their significance in appraising the work of the Constitutional Courts.

II

In examining the work of the Courts, some attention may be directed to selected decisions dealing with (1) equality before the law, (2) federalism, (3) delegation of legislative powers, and (4) legislation and public service relationships dating from the Fascist and National Socialist periods.

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[22] Note the provocative comparisons in Herbert J. Spiro, *Government by Constitution* (New York, 1959), ch. 22.

[23] An expression used by Otto Kirchheimer, "The Waning of Opposition in Parliamentary Regimes," *Social Research*, Vol. 24, pp. 127–56 (1957); *cf.* Charles A. Gulick, "Austria's Socialists in the Trend toward a Two-Party System: An Interpretation of Postwar Elections," *Western Political Quarterly*, Vol. 11, pp. 539–62 (1958).

The Constitutions of each of the three countries contain an almost identical guarantee that "all persons shall be equal before the law."[24] In addition, they include certain other clauses which are to make more specific the general guarantees. The differences among these reflect the varied historical circumstances under which these constitutional provisions had their origins.

The significance of the equality before the law guarantees must be viewed in the light of the accessibility of the Courts in question. West Germany, to speak generally, provides a more liberal access to the Court than either Austria or Italy. For the individual, two avenues are open to the German Court, the most widely used being the constitutional complaint.[25] Under this arrangement, any person can question before the Court a law, an act having the force of law, or an administrative decision and order, which violates his constitutional guarantees, including equal protection before the law. He likewise may, during proceedings in regular courts, secure the judicial review of legislation, which allegedly infringes his rights, though the courts themselves must determine whether the access to the Constitutional Court is justified. While the Austrian system also provides two somewhat comparable modes of access, they are more narrowly construed than in Germany. In Italy, the access to the Constitutional Court is still more limited, as there is only the one procedure of judicial review. The institution of constitutional complaint, as it exists in Germany and, in a modified form in Austria,[26] is unknown in Italy.

The West German Court, in the cases before it, has applied the general principle that equal protection prohibits differential treatment of that which is essentially equal but "it does not prevent that which is essentially unequal from being treated by the legislature differentially in proportion to its inequality."[27] There must be a reasonableness of classification in all instances, even outside the range of the specific prohibition of discrimination on the grounds of sex, race, descent, language, place of birth, or religious belief. At the same time, the Court—applying the guarantee of equal rights to men and women—has recognized permissible distinctions involving the biological and functional differences of the sexes. Thus, on May 10, 1957[28] the Court rejected two constitutional complaints by male plaintiffs who alleged that the provisions of the Criminal Code under which they had been committed violated Article 3 of the Basic Law, in that these provisions provided no punishment for women convicted of comparable offenses. In a highly publicized decision announced on July 29, 1959,[29] the Court held that certain provisions of the Civil Code[30] violated Article 3, Sections 2 and 3 (as well as Article 6) of the Basic Law in that they denied the equal status of man and wife with regard to their children. Several housewives had brought constitutional complaints before the Court alleging that these statutory provisions accorded to the father the right of legal representation and certain other rights with respect to the child, and thereby discriminated against the mother. The Court found no biological or functional differences between man and wife which justified the statutory differentiations.[31]

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[24] West Germany: Art. 3; Austria: Art. 7; Italy: Art. 3. In the following discussion, I am heavily indebted to Mr. W. R. Dallmayr for his assistance.

[25] Though a number of nuisance and facetious complaints are submitted, the Court in West Germany has based an increasing percentage of its important decisions on selections from the 4,800 complaints which had been made prior to December, 1958. An illustration of the facetious complaint was one which contended that the refusal of police to extend the time during which "bars" might be kept open violated the constitutionally guaranteed right of freedom of assembly.

[26] Against individual decrees and acts of the administration, but not against laws, ordinances, or court rulings.

[27] 1 *Entscheidungen des Bundesverfassungsgerichts* (hereafter cited as *B.V.G.E.*) 52; *cf.* Gerhard Leibholz, *Die Gleichheit vor dem Gezetz* (2d ed., Berlin and Munich, 1959), pp. 1–12.

This was the first major instance involving family relations where the Court has based its decision specifically upon the provisions of the Basic Law concerning equality of the sexes. The Austrian Court had in the previous year held the provisions of Section 26, paragraph 3, of the Income Tax Law of 1953, providing for joint taxation of man and wife, to violate Article 7 of the Constitution in differentiating between the sexes for tax purposes.[32] This case, and others involving the granting of concessions and the treatment of public employees, illustrate the extension of the applicability of the equality before the law provisions to new aspects of social relationships.

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[28] 6 *B.V.G.E.* 389.

[29] 1 *BvR* 205/58.

[30] Secs. 1628 and 1629, paragraph 1. These provisions had not been altered by the Equal Protection Law of June 18, 1957. See J. Leyser, " 'Equality of the Spouses' Under the New German Law," *American Journal of Comparative Law*, Vol. 7, pp. 276–87 (1958).

[31] We cannot avoid quoting from an editorial in an American newspaper which commented on this decision: "Thus from Karlsruhe comes the news that father no longer has the last word. It is triumph for the species. Of course, at this point, the German wife has only acquired a sort of deadlock. There is no last word. Give her time, however, and we may be sure that she not only will have deprived mere man of the last word but will, as has her American counterpart, have appropriated it, herself." *Durham Sun*, July 5, 1959, p. 3.

[32] Decision of March 29, 1958; G 1, 2, 3, 5, 29, 30/58. The Federal Constitutional Court in West Germany had in 1957 invalidated somewhat comparable provisions of the Income Tax Law of 1951, but, while expressing some doubts as to the compatibility of these statutory provisions with Art. 3 of the Basic Law, the West German Court had based its decision on the grounds of violation of Art. 6, paragraph 1, of the Basic Law. 6 *B.V.G.E.* 55.

Aside from the fact that access of the individual to the Courts is limited in Italy, there are other considerations which explain why the Italian Court seems to have accepted the most restrictive view on equal protection. In review cases, it allows the widest discretion to a legislative finding of facts. Said the Court in a decision in 1957: "the evaluation of the relevance of the diversity of situations in which the individuals subject to the legal regulations find themselves cannot but be reserved to the discretion of the legislature, as long as the limits specified in the first paragraph of Article 3 are observed";[33] however, the "principle of equality is violated when the legislators subject to an indiscriminate discipline situations which they consider themselves and declare to be different."[34]

It has been particularly in cases involving equality before the law that the West German Federal Constitutional Court has given some evidence of its recognition of a higher law above the positive law, that is, of a superior and unwritten constitutional law. Though there were earlier statements by the Court to which natural law adherents might point, the Court perhaps gave its clearest expression of the acceptance of a "hierarchy of norms within the Basic Law" and of certain natural law "guidelines" in a decision of December 18, 1953,[35] involving the equality of the rights of men and women. There the Court did acknowledge the possibility in "extreme cases" of conflicts between the positive law of the Basic Law and of the higher law.[36] The Court was here reflecting something of the natural law revival in post-World War II Germany, which had resulted in part from a reaction against the earlier positivist justifications for the Nazi regime. Since 1953, it appears that the Court has been deliberately more careful in its references. It has tended more to stress the "basic principles" of the Constitution as expressed in the specific provisions of the Basic Law, and it is being cautious in providing continuing opportunity to reopen the debates on "unconstitutional constitutional norms."[37]

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[33] *Raccolta Ufficiale delle Sentenze e Ordinanze della Corte Costituzionale* (hereafter cited as *R.U.*), No. 3, Vol. 2, 1957, p. 21, at 27.

[34] *R.U.*, No. 53, Vol. 6, p. 68 (1958); also cited in Treves, "Judicial Review of Legislation in Italy," *loc. cit.*, p. 351.

[35] 3 *B.V.G.E.* 225.

[36] Such words and phrases as "supra-positive basic norms," "natural justice," "fundamental postulates of justice," "norms of objective ethics," etc., have been used in cases. *Cf.* Heinrich Rommen, "Natural Law in Decisions of the Federal Supreme Court and of the Constitutional Courts in Germany," *Natural Law Forum*, Vol. 4, pp. 1–25 (1959); Gottfried Dietze, "Unconstitutional Constitutional Norms? Constitutional Development in Postwar Germany," *Virginia Law Review*, Vol. 42, pp. 1–22 (1956).

Of the three Courts, the Italian Court has been the most careful to confine its reasoning narrowly to the provisions of the Constitution and to avoid overt reference to value judgments based on natural law in its decisions. Certainly, the Italian Court has insisted that its jurisdiction is limited to examination of the compatibility of laws and of acts having the force of law with the Constitution, and that it is not competent to pass upon the constitutionality of constitutional norms. The position of the Austrian Court appears to be different from the other two: it has not rejected completely the review of constitutional norms, as has the Italian Court, nor has it claimed the right to subject constitutional provisions to review in the light of higher or natural law precepts. In its much discussed decision on provincial citizenship on December 12, 1952,[38] the Court recognized that it could not review the substance of constitutional provisions in the light of higher or supra-positive ideas "since, in general, any standard for such an examination is missing."[39] It has, however, insisted upon its power to decide whether a proposed amendment involves a "total revision of the Constitution" and hence is subject to a popular referendum.[40] In this instance, the Court must go beyond the formal requirements of enactment to a consideration of those basic constitutional principles whose alteration would involve "total revision."[41] Thus, in all three countries, the quest of the judges for foundations on which to base some of their decisions regarding individual rights and, specifically, the application of the equality before the law provisions of the Constitutions, continues.

The restraints which are imposed by a federalistic system and by federalistic arrangements upon the exercise of arbitrary power at the center were recognized by many of the framers of the Bonn Basic Law and the Italian Constitution. They also helped influence the sequence of events in Austria in 1919–20 and, again, during 1945–46. Since only four of the regions in Italy have as yet been created, the relationships in that state can be called only pseudo-federalistic. Nevertheless, the regions which have been established are guaranteed a significant degree of autonomy which can be altered only by constitutional amendment.

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[37] *Cf.* the author's "The West German Federal Constitutional Court: An Evaluation after Six Years," *loc. cit.*, pp. 300–304, and the literature there cited.

[38] *Sammlung der Erkenntnisse und wichtigsten Beschluesse des VGH* (hereafter cited as *Slg.*), No. 2455.

[39] For pertinent comments by the three Presidents of the Court during the period since 1946, note Ludwig Adamovich, "Probleme der Verfassungsgerichtsbarkeit," *Juristische Blätter*, Vol. 72, p. 73 (1950), and "Die Verfassungsmässige Funktion des Richters," *Osterreichische Juristenzeitung*, Vol. 9, p. 410 (1954); Gustav Zigeuner, "Zehn Jahre Verfassungsgerichtshof in der Zweiten Republik," *Juristische Blätter*, Vol. 78, pp. 631–32 (1956); and the somewhat more natural-law oriented position of the present President, Walter Antoniolli, "Gleichheit vor dem Gesetz," *ibid.*, Vol. 78, pp. 611 ff. (1956).

[40] See Constitution, Arts. 44 and 140.

[41] At this point, as Professor Felix Ermacora has said, "the Constitutional Court is . . . the guardian of the Constitution and also the guarantor of the implementation of the requirements of direct democracy." "Die Bedeutung der Überprüfung von Bundesverfassungsgesetzen durch den Österreichischen Verfassungsgerichtshof," *Juristische Blätter*, Vol. 75, p. 539 (1953).

It is easy to overstress the centralizing trends in West Germany, unless there is adequate appreciation of the functioning of the *Bundesrat* and of the Federal Constitutional Court. Two of the most significant decisions of the Federal Constitutional Court, in particular, have evidenced its efforts to draw the lines between the competences of the Federal and the state governments. In the highly controversial Concordat case, decided on March 26, 1957,[42] while the Court recognized that the Concordat of 1933 was still a binding treaty, it did sustain the school legislation of Lower Saxony as falling under its reserved powers.

Several events in the spring and early summer of 1958 provided the setting for the much publicized atomic rearmament referenda cases involving the states of Hamburg, Bremen, and Hesse and decided on July 30, 1958.[43] In the play of party politics, the Social Democratic Party had sought and failed to secure the passage by the *Bundestag* of an act to provide for a national referendum on atomic rearmament. It resorted to other tactics to secure what it termed "consultative plebiscites." The states of Hamburg and Bremen, both with legislative bodies containing Social Democratic majorities, passed legislation for holding referenda at the state level. At the request of the Federal Minister of Interior, the Federal Constitutional Court issued on May 27, 1958, restraining orders to prevent the implementation of state laws pending a final decision by the Court as to their constitutionality. The Court, in following certain selected arguments of the Federal government in its joint decision, found the acts of Hamburg and Bremen to be unconstitutional. They represented attempts to provide for the participation of the citizens "in an area within the exclusive jurisdiction of the Federal Government." In addition, "instructions" through referenda from the people of the state to "representatives" were violative of the Basic Law. The Court, in its brief decision, was particularly parsimonious in its discussion of Article 28 of the Basic Law, which recognizes the right of the states to deal with their own constitutional organization as long as they meet "republican, democratic, and social rule of law" requirements. But, recognizing the restricted grounds on which it based its decisions, the Court did give evidence that it would impose limits on the efforts of the states to explore at the behest of a political party uncharted jurisdictional areas under the federal system. These, and other recent decisions,[44] indicate some of the efforts of the Federal Constitutional Court to draw the lines between the competences of the federal and state governments.

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[42] 6 *B.V.G.E.* 309.

[43] 2 *BvF* 3/58 and 2 *BvF* 6/58. See also 2 *BvG* 1/58 of July 30, 1958.

The Constitutional Court in Austria has been faced with equally complex problems. After World War II, this Court has taken again as a basis for some of its decisions the theory of freezing of the distribution of competences (*Versteinerungstheorie*) at a given time in the constitutional development during the First Republic. The date chosen was that of the effectiveness of the first constitutional amendment on October 1, 1925.[45] Nevertheless, certain general trends in the decisions of the Court may be noted. During the first years after 1946, the Court's decisions were seemingly directed toward the protection of the modest sphere of reserved powers of the provinces.[46] However, in later years, the Court has more frequently decided in favor of the Federation. Thus, by a decision in 1951, the Constitutional Court upheld the second Nationalization Law of March 26, 1947, which recognized the power of the Federation to nationalize electricity and power plants.[47] Again in 1952, the Court sustained the law of 1949 providing for the equalization of economic burdens as falling within federal jurisdiction.[48] In a suit brought in 1953, while several provisions of the law establishing the Federal Chamber of Commerce were invalidated, the essential contentions of the plaintiff government of Vienna were rejected.[49] In 1954, the Court recognized that the control of radio fell entirely within the jurisdiction of the Federation;[50] in 1956, the first Nationalization Law of 1946 was sustained.[51] These decisions must, of course, be compared with those which have favored the provinces.[52] But they must also be read in the light of the realities of the coalition government and of the changing international status of Austria, which have served to encourage federal legislation tending to narrow progressively the area of provincial autonomy.

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[44] Note the decision of June 16, 1959, in which the Court held a Federal Law concerning the Payment of Compensation Claims of 1956 to be incompatible with Article 120 of the Basic Law in that it required the states to bear expenditures which represented obligations of the Federal Government (2 *BvF* 5/56); and the decision of July 14, 1959, in which the Court held that the 1957 Federal Law for the Establishment of a Foundation called "Prussian Cultural Property" and the Transfer of Assets of the former *Land* Prussia was not in violation of Article 135 of the Basic Law. 2 *BvF* 1/58.

[45] *Slg.*, Nos. 2217 (1951), 2319 (1952), 2546 (1953), and 2721 (1954).

[46] Note *Slg.*, No. 2087 (1951), where the Court criticized the Federation for using the powers granted in Art. 12, Sec. 1 (under which the *Bund* lays down the "basic principles" and the province retains the power of execution) in such a way as to infringe upon the competences of the province by providing detailed regulation of the subject matter in question. For earlier post-war cases, see Paul L. Baeck, "Postwar Judicial Review of Legislative Acts: Austria," *Tulane Law Review*, Vol. 26, pp. 76–77 (1951–52).

[47] *Slg.*, No. 2092 (1951).

[48] *Slg.*, No. 2264 (1952). See the criticisms of this decision in Hans Spanner, "Die Prüfung von Gezetzen und Verordnungen durch den Verfassungsgerichtshof in der Zeit von 1950–1952," *Österreichische Zeitschrift für Öffentliches Recht*, Vol. 6, pp. 181–82 (1954).

[49] *Slg.*, No. 2500 (1953). See also H. P. Secher, "Representative Democracy or Chamber State" (mimeographed paper delivered at the 1959 Annual Meeting of the Midwest Conference of Political Scientists), pp. 9–10.

Though the constitutional provisions have been only partially implemented, regionalism in Italy has provided more than its share of legal controversy. Indeed, more than half of the 381 cases "disposed of" by the Italian Constitutional Court prior to March 31, 1957 involved disputes between the central government and the regions.[53] The most controversial questions have involved the relations between the Sicilian High Court, which was created in accordance with Articles 24–30 of the Special Statute for Sicily on May 15, 1946, and was authorized to pass upon the constitutionality of laws enacted by the Sicilian legislature and the compatibility of national laws with the Regional Statute.[54] After the Italian Constitutional Court began to function in 1956, the problem of the relationship of the two Courts arose. In a decision of February 27, 1957[55] the Constitutional Court refused to recognize the possibility of a coexisting and competing jurisdiction with the High Court, at least over subjects within the competence of the Constitutional Court. But there are still unsettled questions involving the relationships between the two, as recent decisions of the Constitutional Court bear witness.[56] Indeed, the Italian Constitutional Court has evidenced a cautious approach in its efforts to demarcate the autonomous sphere of the sensitive regions.[57]

Thus, the West German Court is looked upon more as a protector of the reserved powers of the states than is the Austrian Court. The decisions of the Federal Constitutional Court appear to be of the greater significance in the total political picture, but its competences are broader. Its decisions have commanded more attention, but it is the newer creation. There has been less concern generated by the decisions of the Austrian Court, possibly because there is little evidence that its decisions have threatened major parts of the legislative program of the coalition government. The jurisdictional controversies between the central government and the regions in Italy, while occupying much of the Court's attention, necessarily have limited application.

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[50] *Slg.*, No. 2721 (1954).

[51] *Slg.*, No. 3118 (1956).

[52] For references to certain of these cases, including ones involving hunting, real estate transactions, area planning, etc., see Felix Ermacora, "Die Entwicklung des Österreichischen Verfassungsrechts seit dem Jahre 1951," *Jahrbuch des Öffentlichen Rechts*, Vol. 6, p. 339 (1957), and *Der Verfassungsgerichtshof* (Vienna, 1957), pp. 145–46. Note, particularly, a decision of June 28, 1958 (G 32/58) in which the Court declared unconstitutional a federal law of 1957 levying import duties on certain products.

[53] Adams and Barile, *loc. cit.*, p. 258.

[54] The Sicilian Statute was converted by the Constituent Assembly, under pressure of time, into a Constitutional Law of Feb. 26, 1948, No. 2.

[55] *R.U.*, No. 38, Vol. 2, p. 375.

[56] *E.g.*, a decision of January 24, 1958. *R.U.*, No. 7, Vol. 5, p. 61 (1958).

[57] Note the discussion by P. Biscaretti di Ruffia, "The First Two Years of Functioning of the Italian Constitutional Court," *Il Politico*, Vol. 23, pp. 477 ff. (1958).

The concern over the dangers of unlimited delegation of legislative powers was reflected in the attempts of the Constitution makers to place constitutional restraints upon such delegation, as, for example, in Article 80 of the Basic Law in West Germany. This Article, empowering legislative bodies to authorize the Federal Government, a minister, or a state government to issue decrees implementing legislation, requires that the "content, purpose, and scope" of the statutory basis be specific. In 1956,[58] and again in 1958,[59] the Court has found provisions of legislation to be lacking in clarity as to "content, purpose, and scope" insofar as they authorized certain implementing decrees. But, said the Court in 1958, in a case involving designated paragraphs of the Price Law of 1948,[60] it is not necessary that "content, purpose, and scope" be expressly stated in the statutory basis; it suffices if they can be deduced from the whole statute, its styling, its meaning in context, its history. "This can be done in the present case."

In Italy, Article 76 of the Constitution provides that "the exercise of the legislative function cannot be delegated to the Government unless directive principles and criteria have been determined and only for a limited time and for definite purposes." There the Court has recognized that the determination of cases involving the unconstitutional delegation of legislative powers is one of its most important tasks.[61] The Court has invalidated, as being in effect "unconfined and vagrant," a law which left to the administrative authorities the determination of contributions (and of the persons required to contribute) to the tourist offices.[62] While it did not do so, the Court might well have borrowed from the language used by Justice Cardozo in 1935 in dissenting in the *Panama Refining Co.* and in concurring in the *Schechter* cases.[63]

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[58] 5 *B.V.G.E.* 71.

[59] 7 *B.V.G.E.* 282.

[60] 8 *B.V.G.E.* 274.

[61] Note the comments of President Azzariti at the beginning of the second year of activity of the Court, in *R.U.*, Vol. 3, pp. 13–14 (1957). The Italian Court has held that both the law of delegation and the authorized act are subject to its review. *R.U.*, No. 3, Vol. 2, p. 21 (1957). *Cf.* Giovanni Cassandra, "The Constitutional Court of Italy," *American Journal of Comparative Law*, Vol. 8, pp. 4–5, n. 8 (1959); Gaetano Sciascia, "Die Rechtsprechung des Verfassungsgerichtshofs der Italienischen Republik," *Jahrbuch des Öffentlichen Rechts*, Vol. 6, pp. 7–9 (1957).

[62] *R.U.*, No. 47, Vol. 2, p. 507 (1957).

The complicated history of restraints on legislative delegation, and of the legality of "law-amending ordinances" in Austria, defies brief summarization. But, according to numerous decisions of the Court, Article 18 of the Constitution permits the legislature to authorize the issuance only of implementing and not of "law-amending" ordinances; in order to justify the implementation, the statutory basis must prescribe the essential limits within which the intended regulations will be confined and the purposes toward which they will be directed.[64] The Court has not hesitated to strike down statutory provisions which have violated these requirements. In short, in differing ways but with rather similar results, the Constitutional Courts of the three countries have been concerned with the application of constitutional provisions designed to prevent the legislature from leaving ill-defined and broad discretion in the hands of the administrator.

The Courts have been called upon to pass on the constitutionality of post-World War II legislation which dealt with public officials and military personnel in service during the Nazi regime in Germany, and of legislation enacted during the Fascist and Nazi regimes in Italy and Austria and affecting the private rights of individuals.

In West Germany, Article 131 of the Bonn Basic Law provides that the legal relationship of persons, including refugees and expellees, who were in the public service on May 8, 1945 and had been excluded from the public service on other than civil service or salary grounds, and who had not received positions comparable to their previous posts, was to be regulated by law. Such a law was passed on May 11, 1951. The Court rejected on December 17, 1953,[65] constitutional complaints of certain public officials who alleged that various constitutional rights had been violated by the law. The Court pointed out that, while under international law the state had retained its identity after 1945, the public service relationship had fundamentally changed during the Nazi regime. Consequently, the legislature could, in the exercise of its discretion, determine the status of the plaintiffs without allowing them any grounds for constitutional complaint against the law based upon their previous public service relationships. Similarly, the Court held that the *Wehrmacht* ceased to exist with the unconditional surrender of German military forces in 1945, and rejected the constitutional complaints entered by various officers, officials, and members of the former *Wehrmacht* directed against the Law of May 11, 1951.[66] In particular, the Court in a constitutional complaint of a former official of the *Gestapo*, took the opportunity to answer various criticisms of its previous "131" decisions and presented a lengthy and devastating analysis of the nature of the public service relationship during the Third Reich.[67] The tenor of the Court decisions, in passing upon the rights of officialdom of a previous totalitarian regime, has been consistent with its application of Article 21 of the Basic Law, under which the Nazi-oriented Socialist Reich Party was dissolved and its assets confiscated in 1952,[68] and the successor case, decided in 1956,[69] in which the Communist Party of West Germany was subjected to the same penalties.

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[63] 293 U.S. 388 (1935) and 295 U.S. 495 (1935); Adams and Barile, *loc. cit.*, p. 259.

[64] *E.g.*, *Slg.*, Nos. 2109 (1951), 2276 (1952), 2462 (1953), and 2664 (1954).

[65] 3 *B.V.G.E.* 58.

In Italy, a large percentage of the "civil liberties cases," have involved the constitutionality of legislation which was enacted during the Fascist period (including the Criminal Code, the Code of Criminal Procedure, and the Police Law of 1931). Indeed, roughly one-third of the first forty decisions of the Court involved the constitutionality of criminal laws and regulations, most of them of Fascist vintage.[70] To take a few examples: in 1956, Article 157 of the Police Law of 1931 providing for repatriation to the community of origin by administrative decree was held to be incompatible with the Articles of the Constitution guaranteeing the inviolability of personal liberty and freedom of travel;[71] in 1957, a section of the Police Law of 1931 requiring notification in case of religious ceremonies outside of churches, irrespective of the place where held, was considered inconsistent with the Constitution;[72] in the following year, the Court invalidated the provisions of a Law of 1942, which left to administrative officials the discretion to authorize the opening of private schools.[73] "Such a system," preserved "even after the collapse of the regime which established it," said the Court, "is incompatible with the meaning which the Republican Constitution attributes to the freedom of the school."

Under the provisional Constitution of Austria of 1945, two constitutional transitional laws were passed, the one to nullify constitutional provisions of the period after 1933, and the other, to deal with the period after 1938.[74] The latter of these transitional laws provided that "all laws and ordinances . . . passed after March 13, 1938 which are incompatible with the existence of a free and independent Austria or with the principles of true democracy, or which contradict the legal conceptions of the Austrian people or reflect typical National-Socialist ideas, are abrogated." This provision which, at least after 1953, the Court has held to be applicable without any governmental ordinance designating the laws or ordinances to be abrogated, has provided the basis for several decisions of the Austrian Court.[75]

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[66] 3 *B.V.G.E.* 288.

[67] 6 *B.V.G.E.* 132.

[68] 2 *B.V.G.E.* 1.

[69] 5 *B.V.G.E.* 85.

[70] Since the Constitution was silent on this point, there was doubt as to whether the Court has the power to pass upon the constitutionality of "anterior legislation," but the Court in its first decision laid all questions at rest as to its jurisdiction. *R.U.*, No. 1, Vol. 1, p. 25 (1956). See David G. Farrelly and Stanley H. Chan, "Italy's Constitutional Court: Procedural Aspects," *American Journal of Comparative Law*, Vol. 6, p. 326 (1957).

[71] *R.U.*, No. 2, Vol. 1, p. 41 (1956).

[72] *R.U.*, No. 45, Vol. 2, p. 491 (1957); *cf. R.U.*, Nos. 13 and 14, Vol. 5, pp. 101–107 (1958).

[73] *R.U.*, No. 36, Vol. 5, p. 231 (1958).

There is no need to mention the several illustrations which might be cited. Suffice it to say that in Austria, as in Italy, the Court has been continuously concerned with an examination of legislation, or legal norms, dating from the previous regimes and has invalidated many of them which have been violative of the Constitution. In so acting, the Courts in these two countries have perhaps offered some instigation to parliaments which have been slow to revise legislation still bearing some of the Fascist and National Socialist substance as well as imprint.

If we have dwelt at some length on certain selected decisions of these Courts, it has been to indicate the ways in which the Constitutions are being interpreted by the judges of the Constitutional Courts. They have clearly pointed out some of the effective constitutional limits beyond which the legislator and the administrator cannot go in their actions affecting individual rights.

III

Any conclusion regarding the role of the Constitutional Courts must be highly tentative and subject to much more critical examination. The record of the West German Constitutional Court has occasioned more comment than that of either Italy or Austria, possibly because of the breadth of its jurisdiction, its daring during the formative years, and the controversial character of some of its decisions.

In the relation of the Constitutional Courts to other governmental organs at the national level, there have been crisis periods in each of the countries. The German crisis occurred during 1952–53, when the consideration of the European Defence Community Treaties eventuated in what one critic called a "period of judicial frustration."[76] However, despite the critical position taken at that time in certain official quarters, the Adenauer Government has looked with increasing sympathy upon the Court in recent years. The *Bundesrat* has furnished more friendly support for the Court than has the governmental coalition in the *Bundestag*. The Social Democratic Party, as the opposition party, and the governments of certain of the states, as the weaker elements in the federal system, have viewed the Court as the protector of the rights of minorities. Although there have been various proposals coming from several circles for the reform of the Court, such minor changes in composition, organization, and jurisdiction as were made by legislation in 1956 and 1959, have emanated from the Court itself.

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[74] *StGBl.*, Nos. 4 and 6.

[75] For example, in 1953, in the decision which declared governmental proclamation unnecessary, the Court abrogated a National Socialist Law of November 5, 1935 on Exchanges, Vocational Guidance, and Procurement of Apprentices, which had been extended to Austria after the Nazi *Anschluss*, as reflecting "typical National Socialist ideas" and as "being incompatible with . . . true democracy." *Slg.*, No. 2620 (1953). The plaintiff had, moreover, been deprived of certain rights guaranteed under Article 12 of the Basic Law of 1867 and under Article 83, paragraph 2, of the Constitution.

The crises in the brief history of the Italian Court were those which took place during the long period of delay after 1948, before implementing legislation could be enacted, and after 1953, before the judges were finally appointed. The assortment of internal and external problems faced by the Court, culminating in the final resignation of its first President, De Nicola, in 1957, were brought sharply to public and parliamentary attention. However, the reticence of the Court to go behind a legislative finding of facts in Italy and the limited exercise of the power to invalidate statutes enacted since 1948 have kept parliamentary criticism at a minimum.

In Italy, dissatisfied groups and organizations have on occasion attacked decisions of the Court. For example, the Communists have objected to certain ones respecting land reform legislation; the Church, to others involving the application of constitutional provisions regarding freedom of worship. Some opposition to the Court has also come from the lower bureaucracy. But the really violent opposition has emanated from the regions, expecially from Sicily. These reactions, when coupled with the lethargy of the Italian populace toward the Constitution, have combined to create a negative image of the Court which is gradually being erased.

In Austria, neither of the major political parties nor any important pressure groups have made the Constitutional Court a target for continuing criticism. There have been past occasions, as in 1956–57, when partisan differences almost involved the Court, but these were exceptional instances. The relationship between the Constitutional Court and the other highest courts has provoked some controversy,[77] and there has been continuing academic discussion of the right of access to and the jurisdiction of the Court. Those who favor an expansion of its jurisdiction sometimes look toward West Germany; those who favor a more restricted status, may point toward Italy. But the recent constitutional law and legislation of 1958 dealing with the Court have resulted in only slight changes in its jurisdiction and organization. In Austria, as in West Germany and Italy, there has been general acceptance of the Court, though without either generous enthusiasm or violent criticism.

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[76] Karl Löwenstein, "The Bonn Constitution and the European Defence Community Treaties, A Study in Judicial Frustration," *Yale Law Journal*, Vol. 64, pp. 805–39 (1955).

There have been problems of implementation of decisions. Some have been considered in West Germany, in connection with the atomic rearmament referenda cases, and others with decisions requiring parliamentary action.[78] The failures on the part of the parliament and the bureaucracy in Italy, to accept his strictures as to implementation, help explain De Nicola's threatened resignation in 1956 as President of the Court. But the record does not show any situation comparable to the effective nullification of a Court's decision, as occurred in the United States during President Jackson's administration following the Cherokee Indian cases.[79] There have been more warnings to the Federal Constitutional Court of Germany to exercise "intellectual humility," and "self restraint" in not pushing its jurisdictional bounds beyond the limits of the feasible and the practicable, than there have been in Italy and Austria, where the more limited jurisdiction of the Courts and the greater hesitancy to question legislative enactments have been evidenced. Its record indicates that the West German Court is seeking to follow this advice, and is sensitive to the charges of "judicial legislation," but it apparently has been unable to extricate itself from involvement with what the United States Supreme Court would call political questions.

The Constitutional Courts in Europe are in part the products of reaction against a gloomy past, as previously mentioned. Some of their activities have been devoted to a liquidation of this heritage and to a prevention of its repetition. But, today, the Courts are increasingly faced with the new issues which have developed during the post-World War II period. These new issues, as well as the old ones, have continued to involve the application of the pertinent constitutional provisions regarding equality before the law, federalism, and the delegation of legislative powers.

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[77] See *Juristische Blätter*, Vol. 79, pp. 263–65, and 287–89 (1957).

[78] 8 *B.V.G.E.* 1, of June 11, 1958.

[79] *Cherokee Nation v. Georgia*, 5 Peters 1 (1831), and *Worcester v. Georgia*, 6 Peters 515 (1832).

The idea that courts, or some judicial body, should serve as the final guardian of the constitution had its roots and origins in Europe. It has seen its widest acceptance and expansion in the United States. In turn, American application and judicial experience have helped undergird the European precedents and theoretical support for the formation of special judicial bodies to guarantee the fundamentality of their constitutions.

Today, there are those who believe that the significance of judicial review in the United States is diminishing and that our Supreme Court can no longer serve as an effective protector of individual liberties and minority rights against legislative majorities and executive discretion. Is it possible, asked one thoughful observer, that we may borrow in the future from the experience of these European Constitutional Courts rather than contribute to it—that there will be another period in the "give-and-take between the new and the old worlds?"[80]

However, it is still too early in their history to speculate about the future of these Constitutional Courts. During the past decade, they have not faced that type of crisis which economic adversity, the messianic leader, or foreign military experiment might provide. Until such a time there will be uncertainty as to the degree to which constitutional democracy today reflects an active faith, and the extent to which it is the formal expression resulting from Allied political pressure, a prosperous economy, and anti-totalitarian resentment.[81] Only then will we know how deeply rooted are the constitutions for which these Courts serve today as interpreters and guarantors.

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[80] Gottfried Dietze, "America and Europe—Decline and Emergence of Judicial Review," *Virginia Law Reveiw*, Vol. 44, p. 1272 (1958).

[81] *Cf.* Leonard Krieger, *The German Idea of Freedom* (Boston, 1957), p. 468.

ASYLUM*

OTTO KIRCHHEIMER

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Asylum for political refugees is an ancient practice, privilege and problem. It has shown a remarkable capacity for institutional survival, albeit with accommodations, in the vicissitudes of changing international relations. I propose here to review its recent performance and consider its continued utility in the contemporary world.

I. MASS INFLUX OF FUGITIVES

Cyrus, after the conquest of Sardes, had placed Pactyas, a native, in a position of trust in the occupied city; but no sooner was Cyrus gone than Pactyas organized a revolt against the new regime. When he learned that Cyrus's troops were on the march to quell the insurrection, he fled in terror to Cyme. Cyrus's military governor then demanded the rebel's surrender, on penalty of that city's destruction. The oracle of the Branchidae, where the Cymeans sought to learn the will of the gods, advised extradition, and the city made ready to abide by the decision. One Aristodicus, however, a citizen of distinction, balked, successfully; a second mission was dispatched to seek out the oracle. The oracle stood pat. Thereupon Aristodicus, who was one of the envoys, circled the temple, removing all birds' nests within reach. The oracle's voice interceded for the birds, bidding Aristodicus to state his case. How then, he said, are you in haste to protect supplicants whilst you command the Cymeans to give one up? Said the voice: Verily, I did so order the Cymeans that they may perish the sooner for their impiety nor ever return to seek my oracle's counsel on the surrender of supplicants.

So informed, the Cymeans needed to face neither the ire of the gods nor a siege by the Medes. They chose in fact to evade the issue and sent Pactyas to the men of Mytilene. The latter, however, took up negotiations with the Medes to discuss extradition. To avoid that threat, the Cymeans then took Pactyas to Lesbos. But the Lesbians sold him to his enemies for a strip of land on the Asian coast, dragged him out of the temple of Minerva where he had sought refuge, and turned him over to his pursuers. And yet, for a long while, they dared not use the crops from the new colony for sacrificial or other religious purposes.[1]

Since Herodotus narrated this tale from Asia Minor, political asylum has remained a perplexing subject. The menace conjured by the right course of action may not always be as tangible; present day instances add fuel without necessarily striking the match. Yet, to pursue the right course in the din of propa-

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[1] From Herodotus, *History*, Bk. I, secs. 153–160.

ganda and ideological clashes may be as difficult today as it was then. The oracle of our day, the legal formula, needs molding by the dictates of the conscience of a rare Aristodicus no less than did that of the servitors of Apollo.

Situated at the crossroads of national and international law, compassion and self-interest, *raison d'état* and human capacity for shame, the institution of asylum has gained importance with the shrinking of global distances. Governments and movements steeped in, or at best not impervious to, violence have multiplied. They tend ever more to shape their political and social systems with a minimum of interference from the human material with which they deal. Resolutions passed by international lawyers' meetings,[2] codification proposals and, most recently, bills of rights on the national and international levels,[3] even when supplemented by a few international agreements,[4] have a lesser bearing on the asylum problem than attitudes of political regimes and the changes, due to power shifts, in the composition of the body of supplicants.

The prototype of the asylum-seeker in the twentieth century differs from nineteenth century predecessors. The exile then was a rebel, a Mazzini or a Marx, a Herzen or a Bakunin. Whenever exiles appeared in larger numbers, they were survivors of revolutionary battles, like the men of 1848 or the participants of the Paris Commune. All had dared to defy the established powers—with the pen, the revolver, or in armed campaigns; assurances to the contrary notwithstanding, many, especially those who failed to reach the shores of the Americas, never stopped fighting their respective home governments.[4a]

A steady trickle of such rebels continues down to the present day. On the building that sheltered Lenin in Zurich, a plaque commemorates the exile's sojourn. But in our day his associate Trotzky had ample reason to speak of a

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[2] See, *e.g.*, the widely ranging discussion at the Bath session of the Institute of International Law; account in *Annuaire de l'Institut de Droit International*, Vol. 43 (1950), Pt. I, pp. 132 ff. and 202; Pt. II, pp. 198–255.

[3] *Cf.* Article 14 of the Universal Declaration of Human Rights. In a circumspect wording, reference is made to "the right to seek and enjoy in other countries asylum from persecution."

[4] The Geneva Convention of July 25, 1951 (see *infra*, p. 994), may serve as an example. *Cf.* comment by P. Weiss, "Legal Aspects of the Convention of July 25, 1951, Relating to the Status of Refugees," in *British Year-Book of International Law*, Vol. 30 (1953), pp. 478 ff.

[4a] It is sometimes stated that abstention from political activity by the asylum seeker is a prerequisite of the asylum grant. This has recently been restated by Prime Minister Nehru in regard to the Dalai Lama. Nehru remarked that the Dalai Lama, while in exile in India, would be free to carry on his "legitimate religious activities"; but "political activities are not carried on from one country to another." *Cf. Washington Post and Times-Herald*, April 21, 1959, p. A4. Aside from the fact that it might not be easy to differentiate always between "legitimate" religious and "illegitimate" political activity, the extent to which the asylum country might want to enforce such a policy by threat of expulsion, depends on its interest configuration, shifting from country to country and from period to period. To the extent that the United States in the late forties and fifties only admitted asylum seekers who were not inimical to major United States policies, as distinct from some opposition to one or the other facet of periodical tactical shifts towards various and succeeding Caribbean or South American regimes, the problem does not presently emerge in an acute form. See also *infra*, pp. 992–993 and 998.

"planet without a visa"[5] when describing his last search for an asylum outside the reach of his home country's rulers. Political persecutees still roam the globe, and escapees from fascist countries at times rub shoulders with non-Communist fugitives from totalitarian Communism and Communists escaping anti-Communist persecution campaigns in countries of traditional freedom; or, more rarely in the 1950's, with totalitarian rulers *à la* Peron fleeing prosecution by less totalitarian successors.

But while political opponents still must seek refuge abroad from persecution by many a government, the fate of political exiles proper is frequently determined against a background also much different from the one predominating in the nineteenth century. The global extent of World War I, with the ensuing radical redrawing of the political map, and the far-reaching social upheavals in subsequent decades, gave rise to both chaotic flight and deliberate exodus of entire social or ethnic groups; the number of fugitives—men, women, children—soared up to six- or seven-digit figures.[6] While this collective escape undoubtedly was caused by political events, the masses of the asylum-seekers were only to a minor extent made up of individuals involved in political activity and dedicated to unending political battle against the regimes they fled.

This confronted the countries of asylum with major social and administrative problems and complicated the pertinent issues of legality and justice. The Armenian survivor of Turkish massacres, the Russian "bourgeois" of the 1920's, the conscript soldier of the anti-Soviet "White" armies, the European Jew in Hitler's Europe, the Spanish conscript who had fought on the loyalist side in the civil war, the member of an ethnic minority proscribed in the USSR in World War II—all these exiles new style ran from the threat of being penalized for what they were, not for what they had done, did, or intended to do. Their appearance gave the word asylum a different connotation and led the authorities of the countries of refuge to put a different construction upon it.

The nineteenth-century rebel's demand for asylum raised political problems. The attitude of the country of origin had to be considered in the first place. Would it make trouble? Was it safer to reject the supplicant's demand, deport or even surrender him to his enemies? Would it be too costly to affirm the right of asylum? Or would standing on the principle not only enhance the host country's domestic or international authority but also give it better leverage in dealing with the country demanding the rebel's removal? Weighing and reconciling these elements was a matter of politics or, at the lower level, a police problem necessitating surveillance or special measures to check the fugitives' "harmful" influence on domestic groups. There was no administrative or social problem. Once admitted, the seeker of asylum was on his own so long as he did not run afoul of the police or established national policy rules.

The position of the run-of-the-mill refugee is different in our day. He is not usually an individual who has made a mark by his ideas or deeds and so evoked a personalized hostile reaction on the part of the government of the country of origin. He is just one of hundreds of thousands or millions threatened by a policy directed against a social stratum or an ethnic group. While his escape has not as a rule been furthered by the régime he escapes, it may not have been severely hindered. Having been reduced to a servile social status, the victimized group may be held for exploitation or extermination; but it may also be regarded as an alien matter causing disturbance, or an unnecessary cost element to be shoved across the border, rather than "liquidated" in a manner bringing disrepute upon the liquidators. In this respect the modern refugee is less troublesome than the old-style rebel, who, a rather rare and interesting specimen, could attract considerable attention and gain influence on the policies of the host country; in the last analysis only his demise could ensure the peace of mind of actual and potential rivals at home.

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[5] Leon Trotzky, *My Life* (N.Y., 1930), ch. 45.

[6] Jacques Vernant, *The Refugee in the Post-War World* (London, 1953). And more recently H. Rogge, "Das Flüchtlingsproblem als internationale Rechtsfrage" in *Internationales Recht und Diplomatie*, Vol. 1 (1958), pp. 28, 109, 236, attempting a typology of recent mass migrations.

As a mass phenomenon the non-active fugitive from group discrimination need not become a strategic liability to his home government. In exporting the undesirables or permitting them to spend their last resources on the permission to leave, the country of origin saddles the country of destination not just with individuals but also with burdensome problems. The roles, correspondingly, become reversed. The country of exit will not protest the admission of the rebel and define it as a hostile act. But when the new political refugees appear *en masse*, it is the country on which they are unloaded that will protest their ejection, or the introduction of policies resulting in the exodus, as an unfriendly act on the part of the country of origin and a threat to the safety and interests of the recipient.

Mass influx of fugitives dislocates the labor market, over-taxes the facilities of the recipient countries' welfare agencies, creates acute housing, health, school and retraining problems, kindles and exacerbates animosities between racial and religious groups; the menace of unemployment pressure brings about ambiguous, contradictory, and sometimes hostile, attitudes of labor unions, which feel ill at ease in the face of conflicting dicta of principle and group interest. Reminiscent of forefathers who in centuries long past had granted sanctuary to Huguenots or Jews from Spain fleeing from disastrous homeland policy shifts, government leaders in countries exposed to the new influx sometimes may show a willingness to extend asylum terms to newcomers. But how is one to distinguish the "political" refugee and especially his most endangered subspecies, the "political persecutee," who, as a member of a specific group, faces collective persecution, ostracism, or, at the very least, social and economic degradation[7]—from a "social" refugee escaping "merely" the general conditions of hopelessness and repression and the drabness and dreariness of everyday life, or evading presumable future discrimination or persecution? It is of this would-be expatriate that Hugo Grotius wrote when he remarked that society would come to an end if the right to emigrate were given to every man.[8]

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[7] The term, political persecutee, should encompass actual and potential victims of racial, national, religious or political persecution, along with active fighters; in turn, the term, political refugee, should apply to any person having left his or her country of habitual residence for political or ideological reasons without necessarily having incurred or being exposed to persecution. Though distinctive criteria may not be easy to establish, the difference would matter if preferential treatment were granted to the persecutee by

In the twentieth century this would amount to saying that social refugees should be refused recognition as political persecutees. How difficult it is to draw the line may be seen from the Austrian dilemma. The constant addition of refugees from Yugoslavia and the temporary inrush from Hungary confront the Austrian government with problems it cannot possibly solve. In countries flooded with escapees of both categories the issue of political asylum evokes not merely a political but also a trenchant administrative reaction, which is bound to be negative. Even in those places where the government may be in favor of upholding the tradition of political asylum, the added dimensions of the problem inevitably will be reflected in its handling.

II. NOBILE OFFICIUM OR TROUBLESOME BURDEN?

A typology of prevailing attitudes will have to take account of this change in dimension. An impressive array of postwar constitutions on both sides of the ideological curtain as well as the United Nations' Declaration of Human Rights, a rather vague testimonial of praiseworthy intentions, acknowledge the right of political asylum. But this does not, save in exceptional cases, indicate willingness to undertake a binding commitment.

As a rule the principle is retained that asylum is a privilege freely granted or refused, not a matter of right.[9] At close view a curious twist becomes apparent.

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legislation or international agreement; *cf.* Heinrich Grützner, "Auslieferungsverbot und Asylrecht," in Franz L. Neumann, Hans Carl Nipperdey and Ulrich Scheuner, eds., *Die Grundrechte. Handbuch der Theorie und Praxis der Grundrechte,* Vol. II (Berlin, 1955), pp. 585–604, esp. p. 601; and Hermann von Mangoldt, Friedrich Klein, *Das Bonner Grundgesetz* (2d ed., Berlin, 1954), Art. 16, V c—e. However, apart from small groups certified by the country of asylum as previously in politics, official recognition would be an innovation with respect to most categories of political persecutees. Swiss policy is a case in point. From 1933 through 1948 a total of only 2,124 persons asked Swiss authorities for recognition as political persecutees; of these, only 746 obtained it. This is in line with the now officially acknowledged fact that "refugees for merely [sic!] racial reasons" were not officially granted asylum privileges by the Swiss government in the late 1930's and early 1940's; *cf.* documents compiled by Professor Ludwig of Basel for Swiss executive departments: Carl Ludwig, *Die Flüchtlingspolitik der Schweiz seit 1933 bis zur Gegenwart, Bericht an den Bundesrat zu Händen der Eidgenössischen Räte* (Berne, 1957), p. 208. Save for individual instances of imminent personal danger, Swiss authorities also refused asylum to Free French followers of General Charles de Gaulle, German Social Democrats, and French nationals escaping deportation to Germany for slave labor service (*op. cit.*, p. 230).

[8] Hugo Grotius, *De iure belli ac pacis* (1625), liber II, 5, xxiv. An illustration may be added. During the Brussels Worlds Fair of 1958, some 300 visitors from totalitarian lands asked the Belgian authorities for political asylum. It may be taken for granted that the wish to live outside the totalitarian realm and enjoy the high Belgian living standards rather than any imminent danger of persecution motivated most of these requests.

[9] See Oppenheim-Lauterpacht, *International Law* (8th ed., London, 1955), para. 316, for the prevailing opinion to the effect that the right-of-asylum commitment is not at

The liberal affirmation of political asylum had been aimed at protecting all those who suffered or were threatened because of political convictions; the specific nature of these convictions did not matter. In contrast, postwar documents must be read in the light of present day ideological battles. To some extent they are polemical assertions.

The Italian Constitution, *e.g.*, promises protection to those barred from the "enjoyment of democratic liberty"; and the Preamble to the 1946 French Constitution guarantees political asylum to those persecuted for "action in support of freedom."[10] Enacted with strong Communist support, both documents refrain from defining liberty or freedom; identification of freedom-fighters entitled to asylum remains subject to differential interpretation.

Constitutions within the Communist orbit are more specific in naming—as a propaganda device—the intended beneficiaries. The USSR Constitution now in force, omitting victims of religious persecution promised refuge in an earlier enactment, offers sanctuary to those in jeopardy because of having defended the interests of the toilers, exercised scholarly activity, or participated in struggles for national liberation. Constitutions belonging to the same spiritual family modify their promises in detail only.[11]

Implementation of constitutional promises is determined by the basic ideological conflicts and the political contingencies of the day, with a multitude of national variations. Small and medium-sized countries most exposed geographically to the influx of asylum-seekers must needs watch out for the slightest policy reaction of stronger powers. In reacting to changing conditions, they are more given to empiricism than the super- and maritime powers; the latter are farther remote from the points of ingress and have a better chance to

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present part of the law. According to M. D. Raestaed's paper at Bath in *Annuaire* . . ., as quoted *supra* n. 2, p. 135, this clause is generally taken to imply the individual nation's right to grant asylum. Richard Lange, *Grundfragen des Auslieferungs- und Asylrechts* (Karlsruhe, 1953), p. 20, is right in stating that the generous provisions of the Bonn Basic Law go beyond the established practice of international law.

The recent discussion (March 23–25, 1959) in the Commission of Human Rights of the United Nations' Economic and Social Council, geared towards eventual production of a U.N. draft of asylum principles, bears evidence that even as ambiguous a formula as "every person whose life, physical integrity or liberty is threatened, in violation of the principles of the Universal Declaration of Human Rights, shall be regarded as entitled to seek asylum," would encounter resistance. Article 1 of the revised French preliminary draft, accepted (by 15 votes with 2 abstentions) for communication to other interested agencies for discussion, therefore restates the right of asylum in the traditional way: "as the right of every state to grant asylum. (United Nations Economic and Social Council, Commission on Human Rights, Fifteenth Session Agenda item 13 E/CN. 4/L/534/Add.3; 3 April 1959.)

[10] Italian Constitution of December 27, 1949, Art. 19 (3); French constitution of October 27, 1946, Preamble; the present constitution omits a detailed preamble.

[11] USSR Constitution of January 21, 1937, Art. 133. According to the more recent Constitution of the People's Republic of China of September 20, 1954, Art. 99, asylum is assured to all aliens persecuted for having defended a just cause or participated in the fight for freedom, or for scholarly activity.

develop programs in line with both domestic requirements and pressure from without.

In the Soviet Union and the countries within the Soviet orbit, traditional nineteenth-century notions of political asylum as a *nobile officium* to be granted to political persecutees clash most strikingly with actual practice; a comparison with Tsarist Russia would seem appropriate. Constitutional affirmations emphatically publicized at Communist-sponsored asylum conferences in the mid-30's are one thing, and the granting of asylum another. Far from benefiting all persecuted toilers, admission of exiles has been determined solely by the political and economic needs of the Soviet government. A limited number of refugees, mostly victims of racial persecution, may have owed the entry permit to special technical skills. Full-fledged Communists and proven sympathizers escaping from the homeland or their country of first refuge were welcome only on a strictly selective basis. Even those facing certain death outside were not admitted to the Soviet Union without express authorization by USSR party authorities acting in accord with the respective national sections of the Communist International.[12]

To what extent an individual was serviceable from the point of view of the party machine, not the degree of his safety, was the decisive question for his chances. In some instances non-Communist political persecutees were granted USSR transit visas enabling them to escape from Nazi-dominated areas. Aside from this, political asylum in the Soviet orbit was a matter of party job assignment; it was handled by the party machine in accordance with its personnel needs and political plans for the future. Security and loyalty were primary criteria; the persecutee's personal situation did not count. But for the possible recruitment of highly qualified technicians, the granting of asylum to organizational outsiders on the merit of their persecutee status is completely alien to Soviet thinking.[13]

Among asylum grants by the other super-powers, the United States still shows some vestiges of the hallowed tradition of America as a haven to all comers, much though three decades of restrictive immigration policies have narrowed down the scope of asylum chances accessible to the persecutee. National quotas and subsistence requirements were kept rigid, no matter how grave and imminent the threat of persecution. For a long time immediate emergency refuge was to be found only under visitor entry provisions, which in turn made admission conditional upon the applicant's social and financial status and denied him chances reserved for immigrants admitted as permanent residents. Effective implementation of asylum promises required special legislation not easily enacted and virtually unattainable without severe discriminatory restrictions. Such a departure from the existing national origins quota provisions in favor of more liberal admission of persons displaced by war and revolution began with the Displaced Persons Act of 1948; the latest manifestation of this policy appears in the "parole immigration" instituted in 1956 for participants in the Hungarian anti-Soviet uprising.

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[12] A characteristic circular letter by the executive board of Rote Hilfe, the German Communist Party's auxiliary for relief and assistance, dated Moscow, May 26, 1936, may be consulted in *Schweizer Bundesblatt*, 1946, Vol. 2, p. 227.

[13] Years ago the USSR's purely self-service-centered approach to the rescue of persecuted European Communists was exposed in minute detail by a prominent Spanish exile, Jesus Hernandez, *La Grande Trahison* (Paris, 1953). In the years that followed many lurid accounts were added in a fast growing array of memoir publications and historical studies.

While liberalized emergency programs indubitably brought improvements, even the new criteria for the admissibility of persecutees were still derived from domestic policy considerations and ideological desiderata rather than the degree of danger threatening the aspirants or the worthiness of their claim to asylum. The 1952 dispensation from the cumbersome quota system for a small number of admissions was clearly predicated on American national interest. Conversely, those who became enmeshed in the dragnet of "undesirable" categories were excluded irrespective of their status as political refugees in dire need of sanctuary.

Although admission is limited by national quota barriers to keep out groups deemed undesirable and—to a lesser degree—to assure the immigrants' adaptability, and although the refugee's need for a sanctuary is merely incidental to national policy determining acceptability, the United States system has nevertheless made possible the ingress of many and varied categories of political refugees. It clearly contrasts with the Soviet system of selection. United States legal admission criteria do not limit social acceptability to restricted groups of highly skilled technicians; and the political criteria, largely negative, are aimed at barring the entry of specific groups deemed potential risks and liabilities. The positive criterion of serviceableness influences admission practices only to a small degree.[14]

How does the United States deal with the problem of politically sharply profiled individuals intent on pursuing actively, in the country of refuge, their original political aims? Those among them whose stand on the Communist issue, or whose past activity in relation to it, is open to doubt will find no admission under the policy prevailing in the present decade. This does not necessarily apply to the same extent to active politicians from South and Central America and the Caribbean regimes who seek temporary refuge with the possible hope of making the United States a base of operations against the home government. Though they may be expected to "make trouble" and cause embarrassment to the United States Government, they are not invariably barred; those sponsored by influential groups or individuals in this country will be able to overcome obstacles put in their way by diplomatic considerations. Sometimes their very presence might be deemed to provide greater coverage in dealing with the present rulers of their home country.

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[14] The interrelationship between immigration and refugee problems is touched upon in Richard Robbins, "The Refugee Status: Challenge and Response," in *Law and Contemporary Problems*, Vol. 21 (1956), p. 316–333; the same issue also contains some contributions dealing with the effects of the 1952 McCarran-Walter Act. Under the thick overlay of recent provisions aiming at excluding political undesirables the general body of United States immigration law still contains some isolated relics positively privileging political-type persecutees. Purely political offenses are not deemed to involve moral turpitude barring admission *per se*, 8 USC 1182 (a) (9 & 10); illiterate immigrants are exempt from the exclusionary rule of 8 USC 1182 (a) (25) if they happen to be victims of religious persecution 8 USC 1182 (b) (2).

United States asylum policy is both dogmatic and pragmatic. Foreign-policy objectives, interest-group pressures and counter-pressures, and the traditional imagery of a haven for the oppressed and humiliated, intertwine and clash in a jungle of contradictory practices, which the lucky winner extols and the losers vilipend.

More steadfastly than any other country Great Britain continues to uphold the liberal tradition of political asylum. Her fortunate location, limiting access to sea and air lanes, has made high-minded policy easier. To reach the British Isles mass migrations had to fight their way through other, Continental, countries. This was enough to permit selectivity and programming. Though it may be questioned whether England still measures up to the high standards of hospitality and political shelter set in the nineteenth century,[15] the tradition which refused to make the grant of asylum dependent on the victim's politics has not been extinguished.[16]

Among the Continental countries the Federal Republic of Germany merits special mention. With the memory of Hitler's merciless persecution of political adversaries still vivid, the Bonn constitution-makers inserted political asylum into their 1949 Basic Law in such a way as to make the principle immediately operative. A legally enforceable right to asylum thus came to benefit all those who claim the status of political persecutees. Administrative machinery under administrative court control has been established to implement the constitutional mandate and the interpretations of various federal courts have tended to bolster the asylum claim by a liberal interpretation of the categories of persons and attitudes coming under its protection.[17] Whoever had been left stranded in Western Germany in the wake of the war and the occupation and could not return to his home country without incurring the danger of a politically inspired persecution enjoys unrestricted asylum privileges. Of the more recent situations the case of the 4,000 Algerians who have drifted into Germany seems to be the most important one. Hitherto the German authorities, exposed to conflicting pressures, have resorted to the expedient of giving the Algerians temporary permission to stay, and so have avoided making a hard and fast decision on the personal status of those among them—probably a majority—who so far have not attracted the special attention of the French authorities.

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[15] For realistic comment, see *The Economist*, April 14, 1956, p. 121.

[16] Overall analysis of British admission policies will be found in Felise Morgenstern, "The Right of Asylum," in *British Year-Book of International Law*, Vol. 26 (1949), pp. 327–352. In 1929 Trotsky had asked J. Ramsay MacDonald's Labour government for an entry permit. The application was denied by Home Secretary John Robert Clynes. Earlier the latter's fellow Cabinet member, Foreign Secretary Arthur Henderson, had complained about the bluntness with which his subordinates reduced the issue to one of benefit or damage to British interest. The episode has been narrated by Hugh Dalton, *Call Back Yesterday* (London, 1953), p. 219.

Stranded in an English port after his escape from United States penal action, Gerhart Eisler, well known German Communist official, was not extradited by the British authorities. Without touching on the political issue, the British committing magistrate refused to entertain the action—on the ground that the offense (perjury) for which the United States had requested extradition was defined differently in British and in American law. Having refused to extradite Eisler, Great Britain was prepared to grant him asylum, of which offer, however, Eisler did not avail himself. Obviously the United States government must have realized full well that the extradition request, given the whole background of the Eisler case, never stood any chance of success; but the extradition proceedings had to be put in motion, if for no other reason than to satisfy prevailing US opinion trends. Philip E. Jacob, "International Extradition. Implications of the Eisler Case," *Yale Law Journal*, Vol. 59 (1950), p. 622. For rather odd criticism, see L. C. Green, "Recent Practice in the Law of International Extradition," *Current Legal Problems*, Vol. 6 (1953), pp. 274–296

It is possible, then—barring a sudden and overwhelming influx—to bring political refugees under the protection of the law. The Geneva convention of July 21, 1951 gives this possibility some wider recognition. Though prudently refraining from touching in its operative part more than very slightly[18] on the crucial point, the admission of refugees, it clarifies and limits the meaning of the term refugee, sets up procedures to determine his status under a regime of prescribed cooperation between the UN High Commissioner and the national authorities, and settles in some fashion the rights and the personal status of the persons concerned in the country of asylum. From the viewpoint of this study its most important result rests in the fact that its articles 32 and 33 codify and therewith in a vague way also limit the reasons for which and the specific conditions under which a refugee may be expelled. Experiences of some European nations which date back to the 1930's and 1940's suggest, however, that countries adjacent to areas of cataclysmic social and political upheavals will not guarantee refuge nor even be likely to grant as much as temporary asylum to huge numbers of escapees from revolutionary turmoil. To call the roll of countries neglectful of asylum principles would be invidious. And what country's authorities should take most of the blame? The Swiss,[19] for having egged on the

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[17] *Cf.* Lange, *Grundfragen* . . . , as quoted *supra* n. 9, and Grützner, "Auslieferungsverbot . . . ," as quoted *supra* n. 7. For the German extradition practice, *cf. infra* notes 45 and 51.

[18] At first sight Art. 32 with its catchall permissive clause allowing expulsion "on grounds of national security and public order" looks rather meaningless. However, its importance lies in the adoption of some international standards of procedural due process, including the right to present evidence, to be represented by counsel, to appeal an unfavorable ruling and—as a last resort—some "reasonable period" to seek admission elsewhere. Only "compelling reasons of public security," in other words much more than intonation of a formula by some administrator, may serve as an excuse for dispensing with due process.

[19] Ludwig, *Die Flüchtlingspolitik* . . . , as quoted *supra* n. 7, carries many a document outlining Swiss official policy. Its harshness was first documented in U.S. Department of State, *Documents on German Foreign Policy, 1918–1945*, Series D, Vol. 5, (Washington, 1952) nos. 642–644, pp. 895 ff. The Swiss—there is no doubt about it—actively sought to stop the influx of German Jews and interceded to this effect with the Nazi government; it matters little that the choice of procedures—*e.g.*, the marking of passports—was left to German discretion, as related in Ludwig, *op. cit.*, p. 148. True, in one instance the Swiss firmly opposed discriminatory measures; they bluntly refused to order the marking of passports carried by Swiss Jews, as had been suggested by the Germans. The suggestion

Nazi government to institute procedures resulting in the marking of passports carried by German nationals of Jewish descent, for the special purpose of enabling Swiss frontier guards to spot and turn back Jews in quest of asylum without interfering with "Aryan" Germans welcome as cash-carrying tourists? The Swedes of 1944–1945, who, fearing the ire of the Russian victors, made fugitives from the Baltic states just annexed by the Soviet Union go home in the same flimsy rowboats in which they had escaped? The French, for making a steady practice of ordering the deportation of persons without a country, denying them travel papers indispensable for admission to another country, and having the courts impose jail sentences on violators of deportation orders,[20] the penalty increasing in severity with the construed occurrence of a continuous offense, which it was not within the power of the offender to stop committing? Once more the French, for making outlaws of refugees whose illegal entry they condoned but whose status they refused to legalize, thus barring them from all gainful pursuits while at the same time, by the very denial of a legal status, precluding their departure? And once again the French, for opening the frontier to Spanish Republicans pursued by Franco's armies in 1938–1939 and then confining them in camps devoid of facilities for orderly human living?[21]

Whatever their moral obtuseness—a target of searching criticism at home—the Swiss authorities at least have not tried to make anyone believe that future emergency situations would find them dedicated to uncompromising protection of asylum privileges. In negotiations preceding the 1951 Geneva Convention, the Swiss insisted on, and obtained, a drastically restrictive interpretation. In the event of mass migrations, the convention would not exact from the contracting parties the undertaking never to return a refugee to a country where his life or liberty were endangered because of his race, religion, nationality, participation in a specific group, or political opinion.[22] A friendlier attitude

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apparently had been made for bargaining purposes; to the Nazis it served to underscore the fact that the German government had done the Swiss a special favor in giving them a chance to bar the entry of Jews from across the border at a time when what Germany wanted most was to dump her Jews on neighboring countries.

[20] Such practices have been banned by Art. 31 of the Convention of July 25, 1951. Under its terms the country of asylum shall not impose penalties on the asylum-seeker for illegal entry or unauthorized residence—provided only that the offender present himself without delay to the competent authority. Section 20 of the U.S.S.R. statute of December 26, 1958, on crimes against the state (translated in Highlights of Current Legislation and Activities in Mid-Europe, Vol. 7, no. 1, January 1959) contains a similar provision in favor of asylum seekers in the form of an exemption from the penalties provided for illegal frontier crossing. If taken at face value this provision would show that under any social structure administrative routine may at times work enough at cross purposes with political goals to elicit explicit new general rulings.

[21] Glimpses and criticisms of these French practices in A. Gleisberg, *A la recherche d'une patrie* (Paris, 1946), pp. 109–155.

[22] See Weiss, "Legal Aspects . . . ," as quoted *supra* n. 4, p. 482. This point also was strongly emphasized in the Swiss government's message to parliament, wherein approval of the convention was recommended; see *Feuille Federale,* Vol. 2, no. 28 (July 15, 1954), pp. 49 ff., esp. p. 62. In theory, this marked anti-asylum stand has been abandoned, according to Ludwig, *Die Flüchtlingspolitik* . . . , as quoted *supra,* no 7, p. 404. The new doctrine

may well be taken by countries farther removed from the maelstrom of sudden mass treks; it is likely to materialize when the host government is in sympathy with the political cause of the exiles seeking admission, as was the case of the Mexican government *vis-à-vis* Loyalist Spain.

France, traditionally hospitable to fugitives persecuted for political convictions and on the lookout for new sources of manpower supply, has always been inclined to hold the doors open for refugees. This was to some extent furthered by habitual laxity of administrative controls and later, in 1936, helped along by a new enactment. But the lax practice of legal and illegal admission was badly offset by the French government's failure to set up administrative programs for the reception and rehabilitation of its burdensome share of new residents.

All this was patchwork. In European practice the hoped-for general rule for meeting mass exodus emergencies never came to be established. Neither a legal claim nor an informal promise ensuring admission to migrant masses ejected on political grounds from neighboring countries was ever agreed upon by Europe's democratic powers. Not even temporary asylum pending farther-reaching international arrangements was ever subscribed to as a generally binding principle.

Neither has the position of the politically active individual in search of asylum become more secure. Principle may count to some extent, especially when supported by powerful groups. Political affinities may count more, even in countries where principle has been thrown overboard. Political expediency, regardless of ideological affinities, has always counted most. There may be a hope to reap rewards, as displayed in the French government's refusal of asylum to "nihilist *emigrés*" to please Tsarist Russia.[23] There may be fear of reprisals and aversion to disturbances. In the late 1930's both contributed toward banishing L. D. Trotsky's unruly political genius from all countries but Mexico. As Belgium was not powerful enough to retaliate, Franco Spain could well afford the luxury of sheltering the Belgian fascist Leon Degrelle. But however cordial previous relations may have been between Spanish Foreign Minister Lequerica and Pierre Laval, the latter was taken back to territory under Allied occupation by the same airplane which had flown him to Spain. Rationalize who can the difference between asylum as a benefit for those who suffer undeserved-

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expressly rejects the view that, in time of increasing international tension or war, admission of refugees above a fixed low ceiling (originally—*op. cit.*, p. 214—set around 7,000) was contrary to the interests of national defense; it is now held that the right to asylum "is one of the facts which national defense must take into consideration"; asylum must be granted unless this interfered with military requirements. A restrictive clause, however, reneges upon the liberal promise. No admissions would be permitted during the "period of mobilization," which is so broadly defined as to include a partial call to arms and special inductions for the reinforcement of frontier defenses; nor is there any indication as to what would terminate each "period of mobilization" and make the newly promised admission of persecutees operative.

[23] Maurice Paléologue, *An Intimate Journal of the Dreyfus Case* (New York, 1957), p. 84, carries, *e.g.*, a letter by the then Russian Ambassador, wherein the "collaboration" of the Paris Police Prefect is gratefully acknowledged.

ly, and denial of asylum to persons accused of acts injurious to humanity! Grotius, himself a political refugee, makes such a distinction; he was familiar indeed with the part which expediency plays in putting up legal mantraps.[24] It is easy enough to stand up and protect a man who fled his enemies and had the good luck (or wisdom) to escape to a country in sympathy with his ideas and politics. The true test comes with the marginal case, when asylum is sought by a man who not only has made enemies at home but also sticks to ideas and actions utterly out of fashion everywhere and conjures universal reprobation.

III. THE MENACE OF INFORMAL EXTRADITION

It takes revolutionary change to reverse the roles of oppressors and oppressed within a national framework. The defeat of the Kaiser's Reich and its army opened the gates of the penitentiary to Karl Liebknecht. Pétain and Laval must fall to set free Daladier and Blum; Laval's lawyer then will implore Blum to appeal to Charles de Gaulle to help save his client's life. But let there be a frontier post between the oppressed and his former oppressor, and things will be different. Having escaped his government's wrath, the expatriate "coexists" abroad with the home regime he combats. To the latter such coexistence may well be intolerable; it will try its utmost to get hold of its enemy and detractor. Success will depend on the attitude—official and otherwise—of the country of refuge. Things will be arranged informally, and twentieth century's Pactyas will be surrendered without further ado, if the asylum country is a dependency or a satellite of the pursuer state, or has other reasons to oblige; the government insisting on the surrender of the rebel will be spared the unpleasantness of construing a foolproof extradition case out of minor criminal charges or fabricating charges out of whole cloth.

Interstate amity to the detriment of asylum rights need not be based on ideological affinity. It may be just that token of esteem with which one totalitarian regime would wish to smooth its relations with another totalitarian regime of different complexion. Thus did Stalin's Russia not only return to the Nazi authorities, under the guise of deportation, and pursuant to a protocol attached to the German-Soviet Treaty of August 1939[25] a considerable number of German citizens (mostly technicians); she also "repatriated"—between September 1939 and the spring of 1940—a certain number of German Communists and radicals who had been residing in the USSR but whose reliability no longer met the Communist party's requirements; some were given the chance to become experts in comparative studies of totalitarian prison and concentration camp systems.[26]

In the regulation of asylum issues as between a major totalitarian power and its satellites, or among such satellite states, informality has been the rule. The Soviet Union, *e.g.*, never even bothered to enact a model extradition law widely discussed in 1924. Not until recently did the USSR proceed to sign wide-range legal aid agreements, settling extradition issues as well, with states within her orbit. Also, a number of similar agreements between such states came into being. Treaties entered into by the German Democratic Republic may serve to illustrate prevailing practices. Under their terms, extradition is guaranteed for all offenses with a penalty exceeding a one-year term; political offenses have not been exempted.[27]

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[24] Grotius, *De iure* . . . , as quoted *supra* n. 8, II, 21, v.

[25] U. S. Department of State, *Documents* . . . , as quoted *supra* n. 18, Vol. 8 (Washington, 1954), p. 165, carries the text of the protocol under the date of September 29, 1939.

[26] F. Beck and W. Godin, *Russian Purge and Extraction of Confessions* (London, 1951), p. 106; Margarete Buber-Neumann, *Von Potsdam nach Moskau, Stationen eines Irrweges* (Stuttgart, 1957), p. 174.

Of course, outside the Soviet orbit, too, relations between nations of greatly unequal strength may display a high degree of informality to the benefit of the stronger power. Such was the case of weak Vichy France *vis-à-vis* powerful Hitler Germany, as a consequence—to some extent—of the Armistice Treaty of 1940. When Vichy France let Spain take and execute Louis Companys, erstwhile head of the Catalan government, she hardly was in a position to claim the status of a helpless satellite. Mexico illustrates a different practice, with protection of the asylum grant dependent on the relative strength and persistence of effort by the government interested in recapturing its political foes. While the position of the asylum-seeker from Central and South America, guarded by an attentive public opinion, is relatively secure, the same is not necessarily always true in the select cases in which Big Brother beyond the Rio Grande exhibits a more than routine interest.[28]

Violations of asylum claims occurred also in the aftermath of World War II, as a result of specific postwar conditions not likely to crop up again. At the end of the war Allied commanders in Germany, *e.g.*, let Swiss authorities seize informally a small number of Swiss and German citizens who had served as wartime Nazi agents in Switzerland. As a rule, though, Great Britain and the United States have been clinging to a legal order which, as now interpreted, bans the informal surrender of beneficiaries of asylum.[29] This does not erase the fact that neither Great Britain nor the United States disdained taking and prosecuting nationals of their own who had been delivered without due process by countries to which they had fled to escape politically motivated criminal prosecution at home.

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[27] Signed on November 20, 1957, the DDR-USSR treaty became effective on June 12, 1958; *cf. Gesetzblatt der Deutschen Demokratischen Republik*, 1958, Part I, pp. 241, 509. Similar agreements with Czechoslovakia, Poland, Bulgaria, Rumania and Hungary came into force in 1957 and 1958; *cf.* Ostmann, *Die Rechtshilfevertraege der DDR* in *Neue Justiz*, Vol. 12 (1958), pp. 545–550. No corresponding arrangement seems to have ever been made with Yugoslavia. The Czech-Polish Convention of January 2, 1949 (U.N. Treaty Series, Vol. 31, p. 300, 1950), which in its Art. 60 b excludes extradition for political crimes, has to be regarded as a remnant from a former period, where institutional coordination of international law devices did not yet fully function. Art. 59 of the DDR-Czech convention of September 11, 1956 (*Gesetzblatt* . . . , 1956, Part 1, pp. 1201), enumerating the cases where extradition does not apply, is conspicuously silent on that point.

[28] For a characteristic evaluation of the same incidents from the viewpoint of the participating United States authorities, *cf.* the "authorized" *The FBI Story* by Don Whitehead (New York, 1957), pp. 297, 318.

[29] Chief Justice Hughes in Valentine v. U.S. *ex rel* Neidecker, 299 U.S. 5 (1936).

Generally, the legal position of countries permitting informal surrender of exiles may be considered comfortable, though not unassailable. The underlying doctrine recently was restated by Judge Irving Kaufman in one of his *Sobell* case opinions.[30] It rests on the thesis that only a government, but not the apprehended individual himself, may insist on strict observance of protective clauses incorporated in extradition treaties (which usually bar extradition for political offenses); in surrendering the exile, the country of asylum obviously waives all claims it may have invoked to avoid extradition.[31] The opposite doctrine, applied in two minor cases without much political background,[32] holds that an exile handed over to his country of origin without due observance of extradition agreements and thereupon prosecuted in a national court, may contest court jurisdiction on the ground of the irregularity of his seizure.

The latter interpretation is undoubtedly more in harmony with the dictates of human decency. It may well be argued that an extradition treaty is made the law of the land through the process of incorporation, and that therefore an exile sheltered by a country signatory to such a treaty should be within his rights in expecting not to be deprived of asylum in a manner other than prescribed by the treaty. Still, the argument lacks in realism. In the absence of a viable international jurisdiction to turn to, the exile in danger of being deported to the home country will hardly find a national tribunal willing to let him go free in the face of the government's contention that this would cause grave injury to national interest.

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[30] 12 F. Supp. 515 (1956); see also Chandler v. U.S., 171 F. (2d) 921 (1948); Ker v. Ill., in 119 U.S. 437, 443 (1886). For the identical attitude in German jurisprudence, see *Entscheidungen des Reichsgerichts in Strafsachen,* Vol. 70 (1936), p. 286, where persons subject to extradition are referred to as "extradition objects" [*Gegenstände der Auslieferung*]; "objects" of course may not derive asylum claims or contest the legality of extradition.

[31] This does not, however, apply to cases of exiles kidnapped on asylum territory; the kidnapped individual's fate would seem to depend on whether or not the government of the asylum country took steps to obtain his return. For Swiss protests in the Berthold Jacob abduction case see *American Journal of International Law,* Vol. 24 (1935), pp. 502–507. Legal evaluation of surrender effected through over-zealousness or corruption of the asylum country's lower-level officials is controversial. Dealing with the abduction, from Mexican territory, of a fugitive United States national sought for narcotics offenses, the Federal District Court in *ex parte* Lopez, 6 F. Sup. 342 (1934), denied the abductee's *habeas corpus* petition on the ground that whatever had occurred under the sovereignty of the Mexican government was outside the court's jurisdiction and should be taken up with the United States Department of State.

[32] See discussion in Manuel R. Garcia-Mora, "Criminal Jurisdiction of a State over Fugitives Brought from a Foreign Country by Force or Fraud. A Comparative Study," *Indiana Law Journal,* Vol. 32 (1957), pp. 427–449. Of the two cases, one—*cf.* Tribunal Correctionnel d'Avesnes in *Recueil Sirey,* Vol. II, 1934, pp. 105 ff—referred to a Belgian suspect of larceny who had been abducted from Belgian territory by French officials. The French court ordered the prisoner released, as seizure on Belgian territory constituted grounds for the absolute nullity of the proceedings. In the other case—part of a damage suit before the U.S.-Panama Claims Commission, related in *Annual Digest of Public International Law Cases for 1933–34,* Case No. 96, pp. 250/51—a similar act of abduction on foreign territory was likewise held illegal.

If there is a remedy at all against informal "rendition" to the home state by way of deportation, it is in the wide acceptance of the principle set forth in Article 33 of the Geneva Convention. Under this rule, no refugee shall be deported to, or returned to the frontier of, a territory in which his life or freedom may be endangered because of race, religion, nationality, membership in a social group, or political opinion. In one form or another, many nations have made this rule a part of accepted practice. Even though in the United States the present wording of provision 243(h) of the 1952 National Security legislation widens the Attorney General's discretionary power to stop or not to stop deportation to a country in which the deportee would face physical persecution, the principle itself has found well-nigh unanimous recognition.[33] The same goes for many European countries.[34] While it is conceivable that constitutional governments of the major powers will continue to condone and reap the fruit of violations committed to please them by weaker nations, it is likely that they will not be tempted actively to encroach upon the Geneva rule on their own. It may well be that such self-restraint will last long enough to let the principle of non-deportation to hostile territory become a customary rule of international law in the community of non-totalitarian states.

[33] 8 U.S.C. §1,253 (h); *United States Statutes*, Vol. 66, p. 212 (1952). In purely legal terms a change in the wording of the applicable provision has made the prospective deportee's position less secure. Previously deportation under the terms of the Internal Security Act of 1950 (*U.S. Statutes*, Vol. 64, p. 1,010) was inoperative if the Attorney General found the deportable alien should not be subjected to deportation. The statute now in force merely suspends deportation to countries which would subject the alien to prosecution. Court rulings—U.S. *ex rel.* Dolenz v. Shaughnessey, 206 F. 2d. 392, 394 (1953); U.S. *ex rel.* Leong Choy Moon, 218 F 2d., 316 (1954); Namkung v. Boyd, 226 F. 2d. 385 (1955); and Almeida v. Murff, 159 F. Supp. 484 (1958)—have interpreted this change of wording as expressing the intention of Congress to leave the decision as to whether or not a deportable alien should be deported within the province of administrative discretion, labelling it a political issue, and to confine the courts merely to looking into the procedural aspects of due process. This contrasts with the previous interpretation, under which administrative findings had been upset by courts holding that theirs was the task of independently determining whether the deportees faced the threat of physical persecution; see *e.g.*, U.S. *ex rel.* Watts v. Shaughnessy, 107 F. Supp. 613 (1952). According to *Annual Report of the Attorney General* (Washington, 1956), p. 422, a total of 1,493 applications to suspend deportation under paragraph 243 (h) had been filed in 1956 with the Department of Justice; suspension was denied in 159 out of 629 completed cases. The report for 1957 omits statistical references.

[34] Recent rulings of the German Federal Republic's highest administrative tribunal approved in principle deportation of aliens convicted of crimes or misdemeanors, but explicitly prohibited deportation to a country where the deportee would face prosecution for political reasons; see *Entscheidungen des Bundesverwaltungsgerichts*, Vol. 4 (1957), pp. 235, 238. However, administrative agencies might at times repatriate undesirable refugees before a court order could be obtained protecting them against delivery to a country where they might have to expect politically tinged prosecution.

IV. POLITICAL AND DIPLOMATIC PROTECTION

Where informal procedure is of no avail, there remains for the country that seeks the surrender of an escaped national the way of the extradition request; to make the request effective, the government must formally prefer criminal charges based on an offense not exempt by extradition agreements. From the 1830's on, however, political offenses, for which extradition had been granted most easily down to the early nineteenth century, were repeatedly declared non-extraditable. What then is, and what is not, a political offense? It is fairly easy to define the "absolute" political offense, which encompasses direct attacks on the public order. Contrariwise, no attempts to arrive at an agreement on the "relative" political offense have ever succeeded; juridical doctrine and the judiciary are merely called upon to legitimize the political objectives.[35] Under the circumstances, the motives behind the decisions of the administrative agencies and the judiciary—wherever the latter are involved—require further elucidation.

Most extradition requests point at individuals whose role in the home country had been marginal; major changes in the prevailing political setup could not have been expected to ensue from their political activity or from the specific criminal action for which extradition is sought. By contrast, a number of instances of a different nature affect persons and actions of great relevance to the government that seeks extradition. Two characteristic instances deserve to be mentioned, *viz.*, the case of the last Kaiser, who had found shelter in Holland at the end of World War I, and that of the Croatian fascist Ante Pavelic, who had escapted to Italy after the assassination on French soil in 1934, of King Alexander of Yugoslavia.

In refusing to surrender Wilhelm II to the Entente for trial on charges of having gravely violated international morality and the sanctity of treaties, the Dutch government followed a road practically cleared of obstacles. Whatever David Lloyd George may have promised the British voters, it did not seem likely that the Entente powers, beset with major troubles on all sides, would back up the extradition demand with major sanctions. There was all the reason in the world to believe that compliance on the part of the Netherlands, causing bitter resentment in many a quarter in neighboring Germany, would inflict lasting damage on Dutch interests; and Germany was bound to remain Holland's most powerful and most important neighbor. Moreover, refusal to extradite was safely grounded in accepted legal doctrine. To a large extent professional opinion in the Entente countries concurred with German jurists in holding that the incriminated actions had been of a strictly political nature; that under no code had these actions as charged been punishable when committed, and that the *ex post facto* legal construct was too vague to serve the cause of justice.[36]

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[35] See comment in Pierre A. Papadatos, *Le Délit politique* (Geneva, 1955), p. 71. An attempt by a Harvard research group to define offenses of a political nature, *American Journal of International Law*, Vol. 29 (1935), Supplement, pp. 107–119, was not overly successful. The authors thoroughly examined definitions in statutes and extradition treaties as well as the exceptions appended, and came up with the statement that non-extraditable offenses included treason, sedition, and espionage, regardless of whether the incriminated acts had been committed by one or several persons; they added acts connected with organized groups' offenses against the safety of the governmental system in the country requesting extradition; nor did they brush aside other criminal acts aimed at political objectives. Instead of a definition, the study thus elicited an inventory of possible, though not exclusive, categories of cases.

Legal precedent was perhaps not as easy to adduce in the Pavelic case; the political motivations dictating Italy's attitude were as obvious. The Marseille shooting, triggered by Pavelic and a close associate, both Yugoslav nationals, had caused the deaths of the Yugoslav King and of his host, France's Foreign Minister Louis Barthou, and severely injured a general of the latter's retinue. And yet to extradite the man responsible for the shooting would have been incompatible with what Mussolini's government considered vital national interest. There was no love lost between Italy and Yugoslavia; Italy's Balkan strategy aimed constantly at the disbandment of the South-Slav Federation; in fact, Pavelic himself was to become the chief architect of the "independent" Croat state set up under Fascist auspices in the course of the Nazi-engineered dismemberment of occupied Yugoslavia. No doubt, in rejecting the extradition request, Italy unleashed fury and indignation in France. In view of the power shift brought about by the German rearmament speedup, this, however, mattered less than preserving intact the operational center of the anti-Yugoslav conspiracy.

The French extradition request, accordingly, was denied by the Court of Appeals of Turino. The court said that political crimes were excluded from the purview of the Franco-Italian extradition treaty, and that the definition of political crime in Article 8 of the Italian Penal Code was broad enough to cover not only the murder of Alexander and Barthou, but also the wounding of the general.[37] The ruling was strongly criticized in France.[38] Indeed, the court's skeleton opinion failed to take into consideration or refute many of the current narrower definitions of political crime. However, the French critics' position neglected essential features of the political setup. After all, France had been through the years the most loyal ally of King Alexander's unitary state, distasteful to Croat nationalists, and French interests undoubtedly were at stake in Yugoslavia's domestic imbroglio.

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[36] How soon considerations of political expediency may triumph over emphatically stated moral convictions was shown by Lord Curzon's change of mind in regard to criminal proceedings against Wilhelm II. On November 13, 1918 Lord Curzon, in a talk with Lloyd George, his political superior, mapped out elaborate plans for trying the Kaiser in England. Yet on July 3, 1919 he penned a letter in which he emphatically insisted on a trial in Holland, arguing that if the exiled monarch were to be convicted on British soil, Britain would forever lose Germany's friendship; while Britain would be exposed to ridicule if he were to be tried in England and acquitted. The story has been preserved for posterity by Lord Beaverbrook, *Men and Power, 1917–18* (New York, 1956), App. IV, pp. 385 ff.

[37] Appeal Court of Turino, November 23, 1934, in *Foro Italiano*, 1935, Vol. II, col. 20. More recently Pavelic's extradition for murders committed under his authority as head of the Ustashi regime in Croatia (for the U.S. parallel case see *infra*, note 65) has been demanded from Argentina by Yugoslavia. The Peron regime allowed him to submerge. He left Argentina for Paraguay after Peron's downfall and after his identity became accidentally divulged.

[38] Henri Rousseau, note to decision quoted *supra*, n. 34, *Revue Critique de Droit International*, Vol. 30 (1935), p. 766/768. Legal distinctions between the assassination of the Yugoslav king and that of Barthou were discussed by Maximilien Philonenko, "Le refus

As an essential factor in extradition cases the governmental machine's striving for self-preservation and survival may not be as tangible as considerations of foreign policy strategy have been shown to be. In countries with unstable governmental systems given to frequent revolutionary removal of rulers, physical survival often hinges on strong asylum safeguards reinforced by an iron-clad rule of non-extradition for political offenses. Reciprocal recognition of such protective services, which saves lives in revolutions, junta uprisings, and other instances of government selection through bloodshed, has established a kind of supranational cartel of the ruling Elite. The tacit understanding that unites South America's regimes provides an illustration.

Non-extradition for political offenses is supplemented by "diplomatic" asylum. Instead of escaping across the border, endangered individuals seek refuge behind the walls of a foreign embassy, extraterritorial on the national territory: and the regime from which they escape respects the sanctity of such refuge and even provides safe-conduct for escapees willing to leave the protection of diplomatic immunity in the homeland and go abroad. Too frequent use of this device has been vehemently attacked at times. It obviously handicaps the ferreting out of political offenders as it ensures their safety too close to the locale of their rebellious activities.

Diplomatic asylum was overworked, *e.g.*, during the Spanish Civil War, when some 12,000 enemies of the loyalist regime were sheltered by foreign, mostly South American, legations. The loyalist government acquiesced in order to avert South American political obstruction of its efforts in the League of Nations.[39] The sanctuary provided in 1948 for the Peruvian Aprista leader Haya de la Torre by the Colombian Embassy in Lima offers another characteristic instance. Its legitimacy was contested by Peru. The legal battle resulted in a series of rather diffuse judgments of the International Court in The Hague. The court sought to confine legitimate diplomatic asylum to cases involving immediate danger to life, and denied the right of the asylum country unilaterally to pass on the merits of the asylum claim. It failed to evolve a realistic assessment of the standards and guarantees that should be required to prevail in a

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d'extradition des terroristes Croates," *Journal de Droit International,* vol. 61, (1934), pp. 1,157–1,169. The decision's reasoning could have been strengthened by referring to the fact that the controlling French-Italian extradition agreement of May 12, 1870 did not contain the so-called "Attentat provision", exempting assassination from the principle of non-extradition of political offenders; *infra,* p. 1005.

[39] R. B. Greenbaum, "Recent Developments in the Law of Diplomatic Asylum," *Transactions of the Grotius Society,* Vol. 41 (1956), pp. 103 ff.; Norman Padelford, *International Law and Diplomacy in the Spanish Civil War* (New York, 1939), p. 770.

nation's administration of justice if asylum were to be denied to its nationals by foreign powers; nor did it rule on the issue when both parties to the dispute expressly asked for a judicial decision; it merely suggested that direct negotiations would be the best way to terminate Haya de la Torre's residence on Colombian extraterritorial premises in the Peruvian capital.[40] It might well be that the more South and Central American upheavals deviate in the future from the previous pattern of narrow changes in political and military elites and edge closer toward becoming the expression of social revolutionary or, as the case may be, counterrevolutionary movements, the more the still prevailing practices of diplomatic asylum will become controversial. The larger the number of people actively engaged in the overthrow of the previous regime, the more likely that the rational interest of new political elites in their future security will recede behind the irresistible urge to eradicate the remnants of the old regime, a pattern which would necessarily involve a drastic curtailment of the usages of diplomatic asylum.

Thus far, legal concretization and limitation of diplomatic asylum have not materialized. Meanwhile, against the background of the changing international balance of power, the institution, though possibly becoming in the long-run more problematical in South and Central America, has gained in attraction in the eyes of the great world powers. Even the United States has shown a change of heart. Hitherto American opinion had frowned upon diplomatic asylum as a device at best fit for areas and governments lacking in political maturity and stability; the opinion prevailed that diplomatic shelter should only be granted to potential victims of mob violence and never be used to sidetrack law enforcement by legitimate agents of the local government.[41] The grant of diplomatic asylum to Cardinal Mindszenty, sheltered since the end of 1956 on the premises of the United States Embassy in Budapest, indicates a departure from traditional big power doctrine and practice.[42]

While the South and Central American cartel protects national ruling groups by means of a broadened concept of political asylum and rather consistent refusal to extradite for political offenses, the opposite tendency has been on the ascendant in more moderate political climates, where the established political setup is in no danger of being overthrown and the groups in power do not live in fear of death by violence. Under such stable conditions, it is easier for the national political and administrative elites to guarantee each other safety from insurrectionist activities by narrowing down the scope of offenses whose political nature would protect the offender from being extradited at the request of the home government. Even so, however, common interest in whittling down asylum protection has never been a *leitmotiv*, but at most a constant among many variables determining governmental attitudes; in many an instance, though, this constant was weighty enough to tip the scales.

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[40] For the International Court of Justice, see *ICJ Reports*, Vol. 5 (1951), pp. 81 f.; *cf.* Alona Evans, "The Colombian-Peruvian Asylum Case: Termination of the Judicial Phase," *American Journal of International Law*, Vol. 45 (1951), pp. 755–762.

[41] For the traditional big power view, see G. H. Hackworth, *Digest of International Law*, Vol. 2 (1941), pp. 623, 770; *cf.* a characteristic quotation in Padelford, *International Law* . . . , cited *supra* n. 39, p. 162.

[42] Hungary's failure to take action against the Cardinal's being sheltered by the United States Embassy indicated tactical choice rather than recognition of the principle of diplomatic asylum. In the analogous case of the unfortunate members of the Nagy government who had taken refuge in the Yugoslav Embassy, the Hungarian government (and its Soviet protectors) obtained the fugitive's surrender against the express promise of non-prosecution and safe conduct, which was immediately broken. In notes addressed on November 24, 1956, to both Hungary and the USSR the Yugoslav government filed a strong protest and requested information on the whereabouts of the victims. The Hungarians' reply of December 1, 1956 insisted on the strictly domestic nature of the action taken; this once more was protested by the Yugoslavs on December 6. Another protest was entered on June 23, 1958 after the execution of Nagy had been officially announced.

V. CHANGING SCOPE OF NON-EXTRADITABLE OFFENSES

Through the second half of the nineteenth century increasingly restrictive interpretation of political offenses was furthered by both legislative enactments and judicial construction. As early as 1856 a restrictive clause, the so-called *Attentat* provision, was inserted into the Belgian extradition law, following an abortive attempt by one Celestin Jacquin to blow up a train that carried Napoleon III. Similar provisions excluding murderous assault upon the person of a foreign sovereign from non-extraditable political offenses were subsequently incorporated in numerous extradition treaties. Other restrictive practices followed.

Considerable effort was exerted to separate acts committed in the course of preparation or attempted implementation of revolts and revolutions, viewed as political, from individual acts of violence not conceivably conducive to a change in the political order and therefore refused recognition as political offenses.[43] At first sight the logic of this distinction does not seem conclusive. It protects established regimes from individual acts of terror, which, whatever their long-range effect, rarely if ever menace the regime's preservation. But it extends its blessings to participants in unsuccessful revolutionary action, which would have been deadly had they succeeded.

This strikingly spurious logic made sense— politically—to the ruling groups of pre-1918 Europe. Of these, hardly a single one had to face the threat of major uprisings, once the 1871 commune insurrection in Paris had been suppressed. Conversely, acts of individual violence were plentiful. Particularly around the turn of the century many a European government was repeatedly vexed, if not badly tormented, by terrorist acts of Western anarchists and Russian revolutionists of various shades. Hence wide-range attempts to debar, from the protection accorded political offenders, two categories: (1) anarchists as alleged enemies of any social order, not just a specific political regime; and (2) perpetrators of acts of a particularly brutal and atrocious nature.

Manifestly, the category, enemies of any social order, is sufficiently vague to permit broadened interpretations at any time to match the fashion of the day.

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[43] Two British cases set the precedent: *In re* Castioni (1891) in Q.B., Vol. 1 (1891), pp. 149 *seq.*, and *In re* Meunier, Q.B., Vol. 2 (1894), pp. 415, *seq.*

A recent suggestion, *e.g.*, envisaged its application to those termed "subversive" in the American political jargon *en vogue* in the 1950s.[44] Once applied, the doctrine becomes entangled in the most fantastic difficulties and contradictions. Examples in abundance may be found in Swiss juridical annals as Switzerland, by virtue of its geographical location, has been saddled with a larger proportion of extradition cases than most other countries. Swiss court practice in the 1900s showed the doctrine in operation, after a different start, in extradition proceedings involving adherents of Russia's Socialist Revolutionary Party (SR) whom the Tsarist government charged with acts of violence and murder. Again and again judicial effort was directed at granting a recognition of sorts to revolutionary violence that might have succeeded in bringing about political change; no such consideration was shown toward the forbidden fruit of individual violence. The latter, according to this doctrine, flows out of vengeance or protest; it is seen as carrying its end in itself and having no effect on political reality. (Additional juridical elaboration had already been contributed in the 1880s and 1890s by British judicial utterings—an echo of the legislative endeavors of John Stuart Mill and the refinements of James Stephen, Britain's eminent criminal lawyer of the late nineteenth century.)

Here violence, as it were, was looked at with the eyes of an efficiency expert; non-extradition was handed out as an award for the hypothetical success of the desired goal, the overthrow of the government. The SR's acts of violence obviously had not been up to efficiency standards expected in Switzerland, Europe's most orderly country. Had the chosen means been in keeping with the SR's idealistic goals, the Swiss Federal Court asked in the case of an exile who had carried out party orders to "execute" the Tsarist chief of police in Penza, Russia? (The party's "verdict" had "convicted" the police official of savage brutality against peaceful marchers in a political parade at the height of the revolutionary wave in October 1905.) Answering the question in the negative, the court conceded extradition.[45] But in the case of two Georgian revolutionists who had robbed a Treasury office in Tiflis, the same court refused to extradite.[46] Was robbery considered a technique more appropriate for the overthrow of the Tsarist regime than the punitive killing of a trigger-happy police commander? What was more likely to sap the foundation of an established political order—the holdup of a government agency by men of the revolution, or an act that showed organizers of the revolution capable of countering government violence with the quasi-judicial "execution" of the responsible official? Or was it simply, as may be read between the lines, that law-abiding jurists in a civilized community were shocked by the spectacle of a clandestine party group pronouncing a "death sentence" and executing the "delinquent"? Had the participants in the armed robbery, scions of well-to-do families and alumni of Swiss universities, made a more civilized impression upon a perplexed court?

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[44] Manuel R. Garcia-Mora, *International Law and Asylum as a Legal Right* (Washington, 1956), p. 71. Reviewers have been sceptical on this point: see, *e.g.*, Quincy Wright, *University of Chicago Law Review*, Vol. 24 (1956), p. 202.

[45] Wasilieff, in *Entscheidungen des Schweizerischen Bundesgerichts*, Vol. 34 (1908), Pt. I, p. 557. The legal basis of the Swiss practice, Art. 10 of the law of January 2, 1892, rests on the so-called "predominant element" theory. It is conveniently vague to allow for unlimited judicial discretion. See Papadatos, *op. cit. supra*, n. 35, at p. 80; and Hans Schultz, *Das Schweizer Auslieferungsrecht* (Basel, 1953). The 1922 Fort-Concepcion case—terminated by simple administrative procedure in the then absence of judicial hearing, which was introduced in Germany only in 1929—bears a close similarity to the Swiss case noted above, both as to the facts involved and as to its ultimate disposal. It concerned the Spanish extradition demand for two members of an anarchistic group, who had participated in the murder of President Dato of the Council of Ministers committed as an act of reprisal against his oppressive measures. The defense of the decision to extradite fell upon Federal Minister of Justice Gustav Radbruch, as venerable and famous as a philosopher of law and reformer of criminal law as he was inexperienced and naive as a politician and administrator. He spoke of an "inflexible law" which defines the meaning of offenses connected with a political act, leading to the both "legally and humanly disagreeable result

What makes a strike political? Smooth procedure and absence of violence? In a German city on the Swiss border, a large-scale strike aiming at the improvement of working conditions had caused the authorities to institute martial law and to have troops take possession. The strikers, to make the troops withdraw, had taken hostages; they also had manhandled a businessman they hated. Reprisals followed. Of the strikers, a few escaped to Switzerland. Did the court deny extradition? It did not, for the strike, it said, had not been aimed at political objectives.[47]

What about the killing of *agents-provocateurs*? An agent of the Fascisti said to have been dispatched to France under orders to lure Italian exiles into terrorist acts which would make the French police take measures against them, had been killed in Paris by an Italian anti-fascist. The killer had succeeded in escaping to Switzerland. Had his been a political act that precluded extradition? The Swiss court said no.[48] The killing, the magistrates held, could not have af-

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of making the grant of extradition a necessary part of German loyalty to its treaty obligations," an attitude of correctness which was the more necessary as it would set a precedent facilitating the expeditious granting of Germany's pending extradition demand for the murderers of Mathias Erzberger by Horthy Hungary—which latter request was promptly refused. *Cf. Deutscher Reichstag*, I. Wahlperiode Stenographischer Bericht, session of February 23, 1922, p. 6042. A more recent German decision—Skzantos—*Bundesgerichtshof*, *Entscheidungen in Strafsachen*, Vol. 8 (1955) pp. 59–66, ordering the extradition of a member of Elas, sentenced to death *in absentia* for participation in murder, follows the same line. (The Greek government had, however, declared its preparedness to renounce the execution of a death sentence.) The decision, which is not in accord with the two German cases quoted *infra* note 51, affirms the continuing applicability of Art. 3 (3) of the 1929 extradition statute, exempting murder from the rule of non-extradition in political cases. The reasoning concentrates on the act committed by the asylum-seeker rather than on the political coloration of prosecutions in the home state. Rejecting the interpretation that Art. 3 (3) of the 1929 extradition law has been superseded by Art. 16, 2 (2) of the Basic Law it speaks in rather general terms of an "Accentuated tendency towards combatting political offenses directed against life" *ibid.* at p. 65; but see note 59, *infra.* for an implicit refutation of this argument.

[46] Keresselidse, in *Entscheidungen* . . . , Vol. 33, Pt. I (1907), p. 169.

[47] Vogt, in *Entscheidungen* . . . , Vol. 50, Pt. I (1924), p. 249; *cf.* Kaphengst case, *op cit.*, Vol. 56, Pt. I (1930), p. 547.

[48] Pavan, in *Entscheidungen* . . . , Vol. 54, Pt. I (1928), p. 207.

fected the political setup in Italy, nor could it have been necessary to help the cause of Italian exiles in France; things had been kept well under control by the French police. Besides, the court argued, non-extradition could have been interpreted as encouraging political terrorist acts by exiles on the territory of a third country (meaning Switzerland).

What were the motives behind such judicial reasoning? Was it, in the first mentioned case, sympathy with legally established German authorities, reinforced by fear of German radicals who, once encouraged by a Swiss court, would carry their nefarious influence into neighboring Basel, Swiss center of labor unrest? Was it, in the second case, the desire to keep Italian domestic struggles from overflowing onto Swiss soil, a consideration perhaps more pertinent than theorizing about the proper relation of means and ends in political warfare tinged by violence?

As early as the 1920s when a string of cases involving Italian anti-fascists had come up for adjudication, the criterion of efficiency for establishing the non-extraditable nature of offenses serving an ulterior goal had lost much of its attraction to the judicial mind. Homicides in the course of election battles, even though they had occurred at a time when the Fascist regime could not possibly have been jeopardized by individual acts of violence were found to have been political, and their perpetrators were exempted from extradition.[49] Had the Fascist regime's contempt for accepted standards of legal procedure so thoroughly upset the Swiss judiciary?

One at least of the court decisions entered during this period may be termed inconsiderately outspoken. The Italian government had requested extradition of a refugee for the slaying of a Fascist. The request denied the accused the benefit of the Royal decree of December 22, 1922, which had proffered amnesty for all acts of violence committed for the sake of the national good, regardless of whether or not the crime had matched provocation or motivation. The Swiss court could not help realizing the obvious. The Fascist government applied the amnesty provisions to exonerate perpetrators of violence which had paved Fascism's road to power; their acts were excused or lauded as having served the national interest. Contrariwise, analogous acts imputable to Fascism's vanquished foes were dealt with as reprehensible crimes. The violation of the principle of equality before the law was self-evident. The Swiss court did not mince words in turning down the extradition request.[50]

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[49] Camporini, in *Entscheidungen* . . . , Vol. 50, Pt. I (1924), p. 299.

[50] Ragni, in *Entscheidungen* . . . , Vol. 49, Pt. I (1923), p. 266. Similar acts sometimes were seen as political disputes, *e.g.*, the killing of a Nazi by a member of a democratic German combat group—see Ockert, *op. cit.*, Vol. 59, Pt. I (1933), p. 136. Roger Corbaz, *Le Délit politique d'après le Tribunal Federal Suisse*, thesis, Lausanne, 1927, p. 57, notes that the efficiency-of-means test had a different meaning in 1923 as compared to 1907. Yet it was restored to its original meaning—at least temporarily—after Fascism had lost its paramount importance; *cf.* the following cases: Peruzzo, *Entscheidungen* . . . , Vol. 77 (1951), Pt. I, p. 50; Nappi, Vol. 78 Pt. I (1952), p. 123; but in Picorelli, vol. 77, Pt. I (1951), p. 57, the court denied extradition of a member of a Neo-Fascist division who in December 1944 had carried out the execution of a traitor; the court held that there still

Radical departures from the concept of means efficaciously fitting a political end came in Switzerland—somewhat sooner than in Britain—with a decision of the Federal Court involving escapees from totalitarianism. The Yugoslav government had demanded extradition of an aircraft crew guilty of a successful escape flight in a government airplane, in the course of which unwilling passengers had been forcibly detained. The extradition request charged acts of violence, endangering the passengers' safety and lives, and misappropriation. As the men had acted for the sole purpose of escaping homeland conditions they considered oppressive, there was no way of construing their actions as means—appropriate or not—to bring about a fundamental change in the established political order. Emphatically pointing to changing historical and political conditions as an element of judicial fact-finding, the court incisively reversed itself and abandoned the traditionally restrictive doctrine. It recognized the political nature of common offenses committed for the sake of escaping the constraint of a political regime that precluded opposition and struggle for power.[51]

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had been armed conflict involving both foreign and domestic enemies, that the defendant had had no personal motive for committing murder, and that all members of his unit faced identical penalties if returned to Italy.

[51] Ravic and Associates, in *Bundesgericht, Entscheidungen* . . . , Vol. 78, (1952), p. 39. A similar British case—*Ex parte* Kolczynski, in *All English Law Reports*, Vol. 1 (1955), p. 31—was commented upon by E. Denny, "An Affair of a Political Character," *Modern Law Review*, Vol. 18 (1955) p. 380; the court brought out the inadequacy of the earlier formula under which nonextradition was confined to incidents tied up with political disturbances. A German decision—Lestrel, in *Bundesgerichtshof, Entscheidungen in Strafsachen*, Vol. 3 (1953), p. 392—denied extradition of a fugitive sought by Ecuador for larceny, on the presumption that prosecution was politically inspired; for criticism, see Lange, *Grundfragen* . . . , as cited *supra* n. 9, p. 19, More recently the Federal Constitutional Court has confirmed and extended the policy of the Lestrel case. After having first affirmed the admissibility of a preliminary injunction in a constitutional complaint based on violation of Art. 16, 2 (2), *Entscheidungen des Bundesverfassungsgerichts*, Vol. 6 (1957), p. 433, the court on February 3, 1959, *Enscheidungen*. . . . Vol. 9 (1959), p. 175, reversed the appeal court decision, which had granted the extradition of a Yugoslav citizen, demanded by his home state for embezzlement charges deriving from his activity as director of a state enterprise. This far-reaching decision establishes three principles: (a) assurances of the demanding state that the defendant would only be held accountable for the specific charges covered in the extradition demand do not provide a sufficient guarantee that political goals might not influence the punishment, if the totality of the life situation has come under political control in the demanding state; (b) the protection against extradition is not excluded by the fact that the defendant's political activity against his home state—accession to a royalist emigré organization—has only started after the defendant reached the asylum country, provided the accession has been undertaken *bona fide* and not simply for the purpose of establishing persecutee status; (c) court protection against a politically colored extradition demand is not dependent on recognition of the political persecutee status of the defendant by the administrative authorities of the asylum state. With the help of this construct which recognizes political activity post-dating the flight from the home country, the German Court thus reaches the same results as the Swiss and British courts. Contrariwise, a British court—*In re* Government of India and Mubarak Ali Ahmed, in *All E. L. R.*, Vol. I (1952), p. 1060—rejected the defendant's contention that he would not be granted a fair trial on an embezzlement charge which he alleged was tinged by politics.

The wheel has come full circle. Extradition doctrine, having started out with protecting only the political contestant who was at least conjecturally believed to have a realistic chance to succeed, ends up with extending a helping hand to the potential victim, albeit an innocent bystander still exposed to the fangs of iniquitous political power after having fled outside its immediate range. To an increasing degree the notion has been gaining acceptance that it is a *nobile officium* to shield even non-political fugitives whom totalitarianism threatens with politically motivated prosecution. The concept of political asylum takes on a new meaning. The assumption would seem justifiable that henceforth it could as well be made to apply to perpetrators of politically motivated acts of violence originating in conditions of everyday life in totalitarian countries.

However, there is no denying apparent tendencies to the contrary closely connected with the after-effects of World War II. The international dragnet for perpetrators of war crime offenses[52] need not be discussed here. Yet repercussions of such punitive efforts have, to a lesser extent, affected national jurisdiction, imposing restrictive checks upon the customary rules of political asylum. Two specific instances stand out. (1) Under a peace treaty provision Italy has undertaken to extradite nationals of Allied powers charged with acts of treason or collaboration punishable under the respective national statutes.[53] (2) Similar, if farther-reaching commitments were subscribed to in a reciprocity declaration between France, on the one hand, and Luxemburg and Belgium, on the other.

Imposed by the victorious Allies, the first-mentioned undertaking has been observed by Italy as a matter of necessity,[54] though more recently in a rather restricted interpretation.[55] As for the agreement between France and her neighbors, which had grown out of common postwar experience, there soon appeared considerable differences of opinion among French magistrates; most French courts dealing with extradition cases have shown a pronounced tendency to disregard the reciprocity declaration and refuse extradition under its terms; they have held that the purely administrative agreement unlawfully usurped treaty-making prerogatives and had no power to derogate from the principle of non-extradition of political offenders.[56]

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[52] See Robert G. Neumann, "Neutral States and Extradition of War Criminals," *American Journal of International Law*, Vol. 45 (1951), pp. 495–508. In the course of its first session the UN General Assembly turned down a USSR proposal to deny UN protection to "Quislings and traitors" among Displaced Persons, see Journal of the First General Assembly of the United Nations, First Session 1946, pp. 544–564; the resolution of the UN General Assembly of October 31, 1947, which recommends the extradition of war criminals, throws together war criminals and traitors (defined as national subjects who are accused by their home country of having committed treason or active collaboration with the enemy). *Cf. United Nations Yearbook 1947–48* (New York, 1949), p. 222. However, as the resolution contained a provision which made extradition dependent upon existence of a *prima facie* case, it was only adopted with 42 against 7 (Soviet bloc) votes with 6 abstentions. The very necessary delimitation between political crimes and crimes against humanity is treated—and its difficulties somewhat underestimated—in M. R. Garcia-Mora, "The present state of political offenses in the law of extradition and asylum," *U. of Pittsburgh L.R.*, Vol. 17 (1953) pp. 371–396.

[53] To what extent other peace treaty provisions have remained a dead letter because the countries involved were affiliated with different power blocs was discussed by Edward Hambro, "New Trends in the Law of Asylum and Extradition," *Western Political Quarterly*, Vol. 5 (1952), pp. 1 ff.

[54] *Cf. In re* Court, in *Foro Italiano*, Vol. II (1952), p. 113.

[55] *In re* Serclaes, in *Annual Digest*, see *supra*, n. 32, for 1952, p. 366. Such peace treaty provisions may well be termed "retrogressive steps," as has been suggested by Oppenheim-Lauterpacht, *International Law*, cited *supra* n. 9, para. 338–340.

Although the precedent has not been encouraging, further interference with non-extradition guarantees might conceivably evolve from the common pursuit of national security interests within the framework of the North Atlantic Treaty Organization. Thus far, cooperation of NATO powers has resulted in new provisions in several national codes; the safety of Allied, *i.e.*, NATO powers, under these provisions, is given the same protection as the external security of the legislating country itself.[57] This entails extension of national jurisdiction to offenses committed against the external security of any other member country of NATO. While established extradition provisions have not yet been affected, attempts in this direction have come to light. Intensification of common effort in the field of military, economic, administrative, intelligence and police matters could one day elicit so streamlined a concept of external security as to take away the political-offense shield from any act deemed detrimental to the security of one or several of the NATO powers; all such acts would then become extraditable. Steps to this end most certainly would meet with strong opposition, for they would indicate far-reaching subjection of national policies to external pressures, possibly even to pressures emanating from a hegemonial power; and few governments would care openly to admit that such was the state of affairs. The objective aimed at, *viz.*, protection of the allied nations' external security, is anyway well within reach of those governments which have amended national legislation for the purpose of warding off attacks on the safety of their allies.[58]

To be sure, even closely associated powers only occasionally draw together to the point of renouncing independence of action; this remains the exception, whereas diversity of political regimes is still the rule.[59] As a consequence, extradition for political offenses is bound to encounter serious opposition for some time to come. There is, in addition, another reason to strengthen this trend. The menace which had once caused many nations to reduce the scope of non-extraditable offenses in order better to protect political and administratives elites from individual acts of violence, is on its way out; there are hardly any traces left of organized violence by anarchists or other minor groups. This "individual terror" has been replaced by systematic violence at the service and under the direction of specific states (and state-connected "movements" taking orders from such states) either strong enough to apply violence on an organized scale or else primarily concerned with reducing violence directed against themselves. No letting down of asylum guarantees is likely to influence their decisions one way or another.

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[56] Van Bellinghen, Paris Court of Appeals, November 28, 1950, in *Recueil Dalloz*, 1951, p. 440. Court opinion has not been uniform. For criticism, see Emile Garcon, *Code Pénal annoté* (Paris, 1952), Art. 84, no. 43.

[57] For France, see Penal Code, Art. 86 (3), and Decree of July 11, 1952, Art. 1. The Soviet Union's state security concepts reach similar results. Section 10 of the Law on State Crimes of December 25, 1958, cited *supra* n. 20, makes part of the state security legislation applicable to "especially dangerous acts against the state," committed against "another state of the toilers."

[58] Accordingly, as stated in *Annual Report of the Attorney General of the United States for 1957* (Washington, 1958), p. 52, France did not agree to extradite one Zlavotsky and his wife, indicted in the United States for intelligence activity on behalf of the USSR. A different decision, however, obtained in a recent case involving sale of technical information on weapons in which Italy had been requested by the Federal Republic of Germany to extradite one Keitel; the extradition was granted.

[59] Under the impact of the assassination of King Alexander of Yugoslavia a convention to make terrorism and penetration for terror acts extraditable offenses was signed on

VI. ASYLUM PRINCIPLE RESTATED

Writing in the mid-1880s, Heinrich Lammasch, Imperial Austria's last prime minister, sought to derive the postulate of non-extradition for political offenses from the principle of non-intervention in other nations' domestic affairs. A national government prosecuting its enemy, he observed, could not possibly assume as much as a hypothetical legitimacy of the incriminated action. But faced with the decision whether or not to extradite a foreign national accused of unlawful political acts against his government, the country of refuge would first have to ask whether or not the fugitive's actions had been legitimate ones; it then would have to discuss and evaluate the entire gamut of political practices prevailing in the exile's home country, thus inevitably intervening in the affairs of a foreign state; to avoid this, the country of refuge must generally refrain from extraditing political offenders.[60] The point is interesting, but the emphasis seems differently weighted in our day when each and every country continuously intervenes to the hilt in the affairs of all other countries—by means of propaganda, public criticism, or the granting or witholding of military or economic aid.

To restate the argument in a different way might be helpful. Instead of basing non-extradition of political offenders on the jaded principle of non-intervention, one should endeavor to see it as a device to prevent the projection of domestic entanglements of the government that seeks extradition into the political system of the country of asylum. National states are imperfect entities; their predominant interests are subject at all times to continuous criticism by friend and foe within and without; and their political systems produce, as it is, enough administrative malpractice and miscarriage of justice. Coupled with

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November 16, 1937 under League of Nations auspices by 23 states. A supplementary agreement to establish an international criminal court was signed by 10 powers; the court was to have jurisdiction over acts of terrorism committed by persons sheltered, and in regard to whom extradition was refused by one of the signatory powers. For the vast literature on this still-born project, impossible of realization in a world of antagonistic power groups, see Oppenheim-Lauterpacht, cited *supra* n. 9, para. 127a.

[60] Heinrich Lammasch, *Das Recht der Auslieferung*, (Vienna, 1884), p. 51.

non-extradition for political offenses, the right to political asylum permits the shortcomings and imperfections of one country or system to stay at home, as it were, and spares the people of other countries ineffectual but onerous involvement.

Moreover, strict observance of the principle of non-extradition of political offenders without restrictive qualification does more than merely protect the country of asylum from the injection of foreign standards into its political system. That country which, in spite of all urgings and importunities, sticks to the principle, lets both the supplicant and his home government uphold their respective causes; rather than suppress one side of the argument it gives both parties a chance to adjourn their dispute to a more propitious day. Lammasch's argument is valid to the extent that the country of asylum takes no stand as to the merits of the political positions involved. Only in as much as it requires knowledge of the outer contours of the political complex at stake does it have to inquire into the circumstances of the case. It notes that at some future date the supplicant may have as good a chance as his pursuers to obtain recognition as the true representative of his homeland. In preserving the chance for both parties to restate their case in the future—unequal though the chance may be—the country that offers sanctuary to the persecuted will have defended, before the tribunal of history, its own reputation and the good name of the exile's nation, which in the eyes of generations to come may have been compromised by those who rule it.

What standards and what quality of justice should be guaranteed at home to the exile returned to his country's authorities for trial has been discussed time and again. National statutes and specific conditions stipulated in extradition judgments—more recently, *e.g.*, the International Court's first ruling in the Peruvian-Colombian dispute with its politely futile suggestions—have insisted on the prohibition of court-martials, military or special courts, etc.[61] While showing legitimate concern for standards of justice, such discussions and recommendations bypass the essential. As long as there is no world community, the standards they envisage inevitably will vary from one country to another. The fact that national courts enforce different standards need not as such be disquieting, provided that deviations be confined to the fields of property, trade, and possibly, family relations. The discrepancy in standards is disturbing when it expresses different ways in which different political systems affect the administration of justice under seemingly "normal" conditions.

In some instances political standards are close enough to each other, nor do the differences seem to matter in regard to the judicial system; however, molded by the political atmosphere of the day rather than by procedural guarantees, judicial standards as actually applied may be at variance even in countries belonging to the same political culture. The more so when an unbridgeable abyss separates the individual countries' political systems. It seems a comfort at times to prevent foreign standards from being projected onto or superimposed on our own—as witness the previously discussed handling of cases of escapees from totalitarianism. In other situations, when the oppressor turns victim, our sense of duty may conflict with our sympathies.[62]

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[61] *ICJ Reports*, Vol. 4, (1950), p. 284.

However it be, strict enforcement of the rule of non-extradition of political offenders will always shield the courts against overwhelming outside pressure. It is good to recall, for instance, how precious an asset in the dealing of Vichy France with Franco Spain the observance of this practice turned out to be at the hands of courts willing to put the asset to proper use.[63] Certainly, the courts in weak countries have to tread warily so as not to place the national government in an unnecessarily difficult position. In powerful countries such as the United States, the courts have long been in the habit of adequately fulfilling their protective mission. They may have shown condescension to the poor devils and strange customers who come from an uncomprehendingly confused, perilous and topsy-turvy world,[64] and provoked the resentment of these less fortunate ones. But they did their job. Now that the United States has acquired a stake in the maintenance of many an existing foreign government of whatever questionable domestic record, the true test of the American courts' asylum doctrine is yet to come.[65]

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[62] *Cf.* Brazil's refusal to extradite a Danish "collaborationist," *Annual Digest* cited *supra* n. 32; for 1947, p. 146. Naturally kindred souls attract each other. This is the reason why Franco's Spain, Peron's Argentina, Trujillo's San Domingo, Stroessner's Paraguay, Nasser's Egypt, have become post-war havens for totalitarian asylum seekers. But it should be noted that these governments do not rejoice at getting embroiled in disputes over the boundary lines between political and crime-against-humanity type offenses. They may deny knowledge of the whereabouts of their "guests," urge them to move on, or, if a clear-cut decision becomes unavoidable, rationalize the desired result—non-extradition—without reaching the question of the political character of the offense charged by the demanding state. When Egypt recently rejected the German demand for the extradition of "Concentration camp doctor" Eisele, it grounded its refusal on differences between the applicable Egyptian and the German statute of limitations. *Cf. Frankfurter Allgemeine Zeitung*, October 17, 1958.

[63] See Joseph Magnol on the judgments of the Courts of Appeal of Aix (May 12, 1941), Toulouse (June 6, 1941), and Algiers (October 10, 1941), in *La Semaine Juridique*, Vol. II (1942), p. 1795.

[64] See, *e.g.*, *In re* Ezeta, 62 F. 972 (1894) (Northern District of California); and the case Rudewitz reported in Hackworth, *Digest*, cited *supra* n. 41, vol. 4, p. 49.

[65] Two recent cases should be mentioned here: The first concerns 5 sailors from the Spanish Navy, who deserted while on shore leave on the West Coast and fled to Mexico. Seized by Mexican officials they were transported back to the U. S. frontier under the coaxing of both US and Spanish Navy officers and—as the Court of Appeals puts it—"rather unvoluntarily" brought back onto American soil, for the purpose of being handed over to the Spanish authorities. In its somewhat tortured conclusions the Court of Appeals for the 9th circuit avoids any reference to the political asylum problem and chides the appellant's lawyers for ever having raised the question; it bases its findings favorable to the sailors, on the inapplicability of Article 24 (surrender of deserters) of the Spanish-American treaty of 1902; for this purpose the court construes the act of desertion as having occurred only at the moment when the sailors changed over to Mexico. As they had been brought to the States against their will, they would have to be put back on Mexican soil, a feasible solution inasmuch as the Mexican government meanwhile had disavowed

What, then, do present-day conditions hold in store for the asylum-seeker? As the composition of the body of supplicants changed in the course of decades, so did accepted attitudes. To those in power, the political exile characteristic of the nineteenth century presented at the most a tactical problem in politics. To governments which have to deal with huge masses of twentieth-century persecutees, asylum is an economic, public-welfare and administrative headache of quite a different magnitude. The way in which the problem is solved depends on a multitude of considerations of national policy and political expediency. As infinitely more exiles are sheltered than ever were in earlier times, the individual persecutee's prospects for finding refuge have enormously deteriorated.

Once the supplicant is admitted, however, most governments outside the totalitarian orbit tend to protect him from being handed over, in an informal way, to foreign authorities which threaten his life or freedom. Exceptions, though, will be encountered in politically dependent countries.

Handling of formal extradition demands had long been a special preserve of legal rigmarole. Often the veil of elaborate legal formulae defining non-extraditable categories of political offenders served to disguise expediency and interest in combinations varying from one country to another, and from one political regime to the next. As asylum-granting governments no longer have to fear isolated individual violence on the part of exiles, and as the totalitarian regimes' contempt for the rights of political captives has become a matter of common knowledge, the tendency in recent times has been toward judicial reinforcement of safeguards against extradition. While the opposite tendency found some nourishment in political conditions of the early postwar period, it was not strong enough to overcome the courts' reluctance to weaken the protection granted; nor has there been a noticeable inclination to depart from the new, broader, definition of the group of persons exempt from extradition as political offenders. Moreover the fact that decisions on the prerequisites of extradition have as a rule passed into the hands of courts is diminishing both the pressure potential of the country seeking extradition and the susceptibility to pressure of the country in whose courts such requests are decided.

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the attitude taken by its local officials and granted permission to stay. Medina v. Hartman, 260 F (2d) 569 (1958). The other case concerns the attempts of the Yugoslav government to effect the rendition of Andrijga Artucovic, former Minister of Interior in Ante Pavelic's Ustashi government. The same Court of Appeals accepted the political character of the murders alleged to have been committed on Artucovic's orders and labelled war crimes by the Yugoslav government. Rejecting the Yugoslav demand, the court concluded that the UN resolutions of 1946 and 1947 (see *supra* n. 53) "have not sufficient force of law to modify long standing judicial interpretation of similar treaty provisions." Karadzole v. Artucovik, 247 F(2d) 198, at 205 (1957). The Supreme Court, Justices Black and Douglas dissenting, sent the case back to the District Court for a hearing on the material submitted by the Yugoslav authorities, 335 U.S. 393 (1958). However, the District Court confirmed the conclusions previously reached by the Court of Appeals. In addition there is presently pending before the U. S. District Court in Miami Venezuela's request to extradite ex-Dictator Marcos Pérez Jimenez on charges of murder, embezzlement and complicity in both; *cf. Time,* Sept. 7, 1959, p. 30.

Asylum—Herodotus already knew it—has its flaws; it is likely to remain largely inoperative unless safely anchored in man's propensity for shame. The danger in our day is not that the institution be valued too little. The danger is in mistaking transitory interests and expediency considerations of the moment for the institution's intrinsic limitations. To be sure, recognition of satisfactory protection against extradition as an integral part of political asylum raises a number of difficult problems of delimitation. Even in a period where so many people are sucked against their own volition into the maelstrom of politics, the political background of personal activity may, in an individual case, appear too slender to rate protection against extradition. Moreover, there is the urgent problem of drawing the boundary line against the *otium generis humani*, the crime against humanity. Here the difficulty lies not only in the elaboration of somewhat larger or narrower groups of responsible agents, but in the much more fundamental fact, that in the age of the hydrogen bomb means-ends categories are rapidly losing their meaning. In this respect the application of asylum criteria may seem to be hopelessly inappropriate and unrealistic. But this is taking a needlessly pessimistic attitude foreshadowing the certainty of a war, in which international law would perish together with everything else. The very greatness of the danger illuminates the continuing positive function of political asylum; free political competition on an international level constitutes a weapon, however small, in the fight against the coming of universal barbarity. This also may be the secret reason why after each new deluge, which seemingly swept away political asylum, it again stages a comeback on the political scene. It is a necessary institution in a deeply divided world, which sets limits—imperfect, broken, and movable but nevertheless tangible ones—to any government's power.

LOWER COURT CHECKS ON SUPREME COURT POWER

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Practicing politicians as well as students of politics have long recognized the check on presidential power imposed by the federal administrative machinery. High policy must be interpreted; it can sometimes be changed or even frustrated by the bureaucrats who apply laws and executive orders. Officials down the line have interests, loyalties, and ambitions which go beyond and often clash with the allegiance accorded a given tenant of the White House. Each bureaucrat has his own ideas about proper public policy, particularly in his field of special competence. If a career civil servant, he may identify only partially, if at all, the good of the governmental service, not to say the good of the public, with the ends sought by the Administration. And if he owes his appointment or promotion to other sources than the merit system, he may find a positive conflict between his loyalties to the President and to other politicians or political groups.

This conflict can occur at all administrative levels.[1] Cabinet members may make up the President's official family, but some of them are at times his chief rivals for power within his own political party, or, more often, representatives of those rivals. Or the department heads may be so split with sibling political rivalry among themselves that common loyalty to their nominal leader may be subordinated to other values. An observer has lately written: "The conditions which a system of fragmented power sets for the success and the survival of a Cabinet officer encourage him to consolidate his own nexus of power and compel him to operate with a degree of independence from the President."[2]

Internal friction or drag is thus an inherent part of the executive process, a factor to be weighed in choosing among policy alternatives, much the same as congressional, or judicial, or pressure group resistance. Less obviously, but not necessarily less significantly, a similar bureaucratic factor must be reckoned with in the execution of Supreme Court decisions. Except in disputes between states or the rare litigation involving diplomats, the Supreme Court usually does not render either the initial or the final decision in a case. If it reverses a state decision, the Court remands the case to state courts for disposition "not inconsistent with this opinion"; and it frequently gives only slightly more precise directions in overruling federal tribunals. The Supreme Court typically formulates general policy. Lower courts apply that policy, and working in its interstices, inferior judges may materially modify the High Court's determinations.[3]

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[1] Clinton Rossiter has remarked: "Were the Presidents of the last fifty years to be polled on this question, all but one or two, I am sure, would agree that the 'natural obstinacy' of the average bureau chief or commissioner or colonel was second only to the 'ingrained suspicions' of the average congressman as a check on the President's ability to do either good or evil." *The American Presidency* (New York, 1956), pp. 40–41. For more detailed discussions of the problems involved here, consult David Truman, *The Governmental Process* (New York, 1951), chs. 13–14, and works cited. For an analogy in prison administration, see Gresham Sykes, *The Society of Captives* (Princeton: Princeton University Press, 1958), pp. 53–58. Even the Soviet system has similar problems of "family relationships" in administrative management: Barrington Moore, *Terror and Progress USSR* (Cambridge: Harvard University Press, 1954).

[2] Richard F. Fenno, Jr., "President-Cabinet Relations: A Pattern and a Case Study," this REVIEW, Vol. 52 (1958), pp. 388, 404. (Italics in original omitted.)

I

As might be expected, state judges have a wider field in which to operate. Two technical rules help to enlarge their area of discretion. The first, already mentioned, is the vague criteria which the Supreme Court imposes when it overturns a state decision. Second, the Supreme Court will review only those state cases which were based on a substantial federal question. The Court has reiterated time and again its practice of not reviewing state decisions which have sufficient independent grounding in state law so that a reversal of the determinations of federal issues would not affect the final outcome of the case. Whether this doctrine is one of administrative convenience or is a constitutional limitation has been questioned,[4] but as long as it is followed a state appellate judge who is a skillful opinion writer can, when so minded, do much to prevent Supreme Court review, even of federal questions.

Considering the perennial friction between state and national interests and outlooks, the different elements weighed in the appointment of state and federal judges, their allegiances (former if not current) to opposing political parties or to separate levels of party hierarchy, the different ambitions of the judges, and their varying conceptions of the role of the judiciary in a federal and democratic system, the wonder is that occasions of open conflict are the exception rather than the rule. Perhaps the use of the vague remand prescription acts as a psychological safety valve in allowing some of the pressure of resentment against reversal to be siphoned off in construing Supreme Court instructions.[5]

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[3] Much lower court leeway is created by the fact that since Supreme Court opinions often represent a compromise among divergent approaches and views of individual Justices, there are sometimes multiple threads running through an official opinion which are inconsistent with the dominant pattern of thought. Even where a judge wishes to hew strictly to the High Court's line he may be left in doubt as to what was dogma and what was dicta. Alpheus T. Mason's *Harlan Fiske Stone: Pillar of the Law* (New York: The Viking Press, 1956) is studded with examples of opinion compromises. See especially the intra-Court memoranda and draft opinions in Home Building and Loan Association v. Blaisdell, 290 U. S. 398 (1934), and Colgate v. Harvey, 296 U. S. 404 (1935), found at pp. 360–365 and pp. 399–402 of Mason's book.

[4] Note, "Evasion of Supreme Court Mandates in Cases Remanded to State Courts since 1941," *Harvard L. Rev.*, Vol. 67, p. 1251 (1954); Note, "Supreme Court Disposition of State Decisions Involving Non-Federal Questions," *Yale L. J.*, Vol. 49, p. 1463 (1940). In keeping with his controversial constitutional theories, W. W. Crosskey disputes the basic concept of dual jurisdiction. *Politics and the Constitution* (Chicago: University of Chicago Press, 1953), especially ch. 25. For a full explanation of the contrary view, read the dissenting opinion of Mr. Justice Frankfurter in Irvin v. Dowd, 3 L. ed. 2d 900 (1959).

[5] For historical accounts of state court defiance of Supreme Court decisions, see Charles

An additional safety valve is criticism of Supreme Court decisions, a practice in which judges who have been reversed engage only slightly less bitterly than disappointed litigants. The most serious recent verbal attack came when the 1958 Conference of State Chief Justices issued a sharp accusation that Justices of the Supreme Court were usurping state judicial power by confusing their own policy views with constitutional commands.[6] The Conference chose to launch this attack at the strategic moment when congressional assaults against the Supreme Court had reached a climax.

Both these devices permit exercise of power as well as escape of pressure. Criticism may persuade the Court of the error of its ways, or help convince Congress of a need for remedial legislation. The interpreting authority may even be stretched to accomplish a *de facto* overturning of Supreme Court decisions. A study published in 1954 reported that in eleven terms, some 46 Supreme Court reversals of state decisions required additional litigation. "In slightly less than half of these cases the party successful in the Supreme Court was unsuccessful in the state court following the remand."[7] This study also indicated that, with one exception,[8] the evasion had been accomplished by interpretation rather than by defiance. For example, when the High Court ruled in 1952 that Oklahoma's loyalty oath violated due process in not distinguishing between knowing and innocent membership in proscribed organizations,[9] the Oklahoma court in which the case had begun read *scienter* into the state statute and sustained the judicially amended version.[10]

The line between evasion and defiance is always difficult to draw, and when in 1954 the Supreme Court declared Jim Crow legally dead,[11] the attitude of many segregationist state judges shifted perceptibly. Yet the manner in which Southern judicial resistance has been expressed is significant. These judges have criticized the *School Segregation* decisions on and off the bench; they were among the leaders of the movement in the 1958 Conference of State Chief Justices to reprimand the Supreme Court.[12] They have given moral support and, one may guess, perhaps legal advice to Southern political leaders. But when

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Warren, "Federal and State Court Interference," *Harvard L. Rev.*, Vol. 43, p. 345 (1930); and Note, "Interposition v. Judicial Power," *Race Rel. L. Rep.*, Vol. 1, p. 465 (1956).

[6] *Resolutions Adopted at the Tenth Annual Meeting of the Conference of Chief Justices* (Chicago: Council of State Governments, mimeo., 1958).

[7] Note, *Harvard L. Rev.*, cited above, note 4.

[8] Ashcraft v. Tennessee, 322 U. S. 143 (1944); 327 U. S. 274 (1946). The intervening Tennessee decisions are unreported.

[9] Wieman v. Updegraff, 344 U. S. 183 (1952).

[10] The lower court decision is unreported. The details can be found in the follow-up case of the same title, 301 P. 2d 1003 (Sup. Ct. of Okla., 1956).

[11] Brown v. Board, 347 U. S. 483 (1954); 349 U. S. 294 (1955).

[12] Chief Judge Frederick W. Brune of Maryland, chairman of the Chief Justices' committee which prepared the critical report, has officially denied that any attack on the School Cases was intended. (*New York Times*, January 8, 1959, 30:1.) There can be no doubt, however, that the Supreme Court's racial decisions had a great deal to do with the attitude of the state judges. See the speech of Charles Alvin Jones, Chief Justice of Pennsylvania, reported in *Harvard L. Record,* October 23, 1958.

pressed, no state supreme court has yet failed to concede that the School Segregation cases are the law of the land and binding on lower courts.[13] Resistance of state supreme courts (and, though not universally, of state lower courts[14]) has taken three specific forms: (1) refusing to expand the school decision to other areas;[15] (2) upholding the constitutionality of state efforts to evade compliance;[16] and (3), in line with the state chief justices' censure, balking at Supreme Court decisions in related areas of race and of federal-state relations.[17]

Two recent cases illustrate a combination of these resistance methods. The School Segregation decisions of 1954 seemed to spell final victory for a Negro named Virgil Hawkins who for over five years had been seeking admission to the University of Florida law school. A week after *Brown* v. *Board*, the Supreme Court sent the *Hawkins* case back to the Florida supreme court for reconsideration in light of the public school decisions.[18] The Florida high court did reconsider and declared: "We deem it to be our inescapable duty to abide by this decision of the United States Supreme Court interpreting the federal constitution."[19] A majority of the state justices, however, felt that "sound judicial discretion" required them to withhold issuance of a mandamus requiring immediate admission, in order to determine the effects of integration at the university.

Disappointed at this further delay, Hawkins took his case back to the Supreme Court, which entered a new order stating that the factors it had spelled out as allowing delay in desegregating grammar and high schools did not apply at the professional school level.[20] Once again the case went back to the Florida supreme court, and once again that tribunal, via three opinions for the majority and two for the dissenters, interpreted its way out of ordering Hawkins's immediate admission. The majority expressed a belief, based on the report of a special commissioner, that violence would be the result of even limited integration of the law school. The opinion added, "we cannot assume that the Supreme Court intended to deprive the highest court of an independent sovereign state of one of its traditional powers, that is, the right to exercise a sound judicial discretion as to the date of the issuance of its process in order to prevent a serious public mischief."[21]

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[13] McKinney v. Blankenship, 282 S.W. 2d 691 (Sup. Ct. of Texas, 1955); Constantian v. Anson County, 93 S.E. 2d 163 (Sup. Ct. of No. Car., 1956); Florida ex rel. Hawkins v. Board, 83 So. 2d 20 (Sup. Ct. of Fla., 1955); Roy v. Brittain, 297 S.W. 2d 72 (Sup. Ct. of Tenn., 1956).

[14] The extreme example is that of the Birmingham, Alabama, judge who not only refused to follow the Supreme Court's racial decisions but also declared the Fourteenth Amendment unconstitutional. (*New York Times*, March 23, 1957, 14:4–5.) Perhaps the most vindictive remarks from the bench about the Supreme Court in its current crisis were made by the Alabama judge whose decision regarding voluntariness of a confession had been reversed in Fikes v. Alabama, 352 U. S. 191 (1957): "The opinion is the voice of the Supreme Court of the United States, but the hand is the hand of the NAACP. The opinion of the majority of the Court speaks the truth neither as to the facts nor as to the law. The opinion offends and is repugnant to judicial sensibilities." Quoted in 103 *Cong. Rec.* 4012 (85th Cong., 1st Sess., March 19, 1957).

[15] Bissell v. Commonwealth, 100 S.E. 2d 1 (Sup. Ct. of Appeals of Va., 1957); North Carolina v. Cooke, 193 S.E. 2d 846 (Sup. Ct. of No. Car., 1958); State v. Clyburn, 101 S.E. 2d 295 (Sup. Ct. of No. Car., 1958).

[16] Joyner v. Board, 92 S.E. 2d 795 (Sup. Ct. of No. Car., 1956); Defabio v. Fairfax County, 100 S.E. 2d 760 (Sup. Ct. of Appeals of Va., 1957).

[17] Williams v. Georgia, 88 S.E. 2d 376 (Sup. Ct. of Ga., 1955); Naim v. Naim, 90 S.E. 2d 849 (Sup. Ct. of Appeals of Va., 1956).

[18] Florida ex rel. Hawkins v. Board, 347 U.S. 971 (1954).

[19] 83 So. 2d 20, 23 (1955).

[20] 350 U. S. 413 (1956).

In *Williams* v. *Georgia*, the Georgia supreme court handled a different type of racial issue with considerably more bluntness. A Negro, convicted of murder in a state court, managed to obtain review by the United States Supreme Court. In arguing the case, the state attorney conceded that Negroes had been excluded from the jury panel and therefore that the defendant had been denied a fair trial. The state attorney contended, however, that since the defense had not challenged the method of jury selection within the time limits set by Georgia law, no substantial federal question was presented. The Supreme Court found that a real constitutional issue was involved, but declined to exercise its jurisdiction. The majority of the Justices stated that they could not imagine that the "courts of Georgia would allow this man to go to his death as the result of a conviction secured from a jury which the State admits was unconstitutionally impaneled."[22] Instead of reversing the Georgia supreme court, the federal Supreme Court simply remanded the case for further consideration.

The Georgia supreme court disposed of the remand by a three paragraph opinion whose resistance can be gauged from the declaration in the opening paragraph: "we will not supinely surrender sovereign powers of this State." Speaking for all seven justices, the Georgia chief justice erroneously held that the United States Supreme Court had found itself without jurisdiction, and on that finding reaffirmed the conviction.[23] The Negro was electrocuted.[24]

II

There are both similarities and differences between the political relations of state courts and lower federal courts to the Supreme Court. Formal state-federal competition is absent, but it is often replaced by a local-national clash which can be almost equally as abrasive. This, in turn, is affected by the varying considerations in appointment of lower and Supreme Court judges. The Executive Department chooses district and, to a lesser extent, circuit judges in close cooperation with senators and national committeemen from the President's party and occasionally with congressmen from the state or states involved. Even a senator from the opposition party may enter the bargaining process. It would not be much of an exaggeration to say, as President Taft once did, that at least as regards district judges, the President's power is largely one of veto rather than of full scale appointment.[25]

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[21] 93 So. 2d 354, 358 (1957).

[22] 349 U. S. 375, 391 (1955).

[23] *Supra* note 17.

[24] After the second decision of the Georgia supreme court, the U. S. Supreme Court denied certiorari, 350 U. S. 950 (1956).

At the Supreme Court level there are still many political restrictions on the appointing power, but the President can weigh these competing values on a national rather than on a local scale. Even if Eisenhower's judicial probation-promotion policy remains in effect, High Court members are likely to be different types of men from those usually selected for the lower bench.

When the normal friction between trial and appellate judge is added to these other factors, a substantial reservoir of potential conflict has been built up. On the other hand, several forces act to soften this strife. First, and this bond unites federal with state judges as well as the three levels of federal judges with each other, they are all participants in the cult of the robe. They share the same holy mysteries and dispense the same sacred doctrine. No matter how fierce their inter-court rivalries, common possession of this magic sets judges apart from the rest of men and gives them interests and outlooks as *judges*. Second, district, circuit, and Supreme Court judges are all *federal* officials, in a sense joint competitors, whether they like it or not, with state judges for power.

The concept of an independent judiciary, which can increase the number of collisions between state and national tribunals, is balanced within the national system by appellate court supervision which, if it does not prevent conflict, does help keep that conflict from coming out into the open. A state judge owes his appointment to local political groups and can be removed, if at all, only by state action. Federal district and circuit judges are made even more independent by their life tenure, but their inferior position in the hierarchical chain of national authority subjects them to more strict Supreme Court surveillance. Under its power as supervisor of the administration of federal justice, the Supreme Court can set more exacting standards for lower courts of the United States than for state tribunals.

This makes federal court defiance less likely than state, but district and circuit judges are not mere pawns in the judicial game. They sometimes lash out in caustic criticism too. In 1958, for example, the Court of Appeals for the Ninth Circuit reversed the conviction of a pair of communist leaders on the basis of the Supreme Court's narrow interpretations of the Smith Act in *Yates* v. *United States.*[26] Judge Chambers remarked tartly that the court would have upheld the validity of the convictions on the basis of past practice had not the Supreme Court changed the law. "One may as well recognize that the Yates decision leaves the Smith Act, as to any further prosecutions under it, a virtual shambles—unless the American Communist Party should witlessly set out to reconstitute itself again with a new 'organization'."[27]

The reactions of a number of lower federal judges to the state chief justices' censure of the Supreme Court were no more subtle. The *U. S. News and World Report* polled all district and circuit judges, asking if they agreed or disagreed with the report of the state chief justices. Only 128 of 351 answered: 59 of them expressed approval, 50 disapproval, and 19 voiced no opinion.[28]

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[25] Quoted in George H. Haynes, *The Senate of the United States: Its History and Practice* (Boston, 1938), II, 722.

[26] 354 U. S. 298 (1957).

[27] Fujimoto v. United States, 251 F. 2d 342, 342 (1958). The other two circuit judges specifically disassociated themselves from these comments on the Yates case.

Another channel of criticism, more discreet but also more directly pointed toward securing remedial congressional action, is the Judicial Conference,[29] either at the national or circuit level. The Judicial Conference of the United States several times in recent years has endorsed bills to reverse Supreme Court decisions allowing relatively liberal opportunities for state prisoners to seek *habeas corpus* in federal courts.[30] But it was the Judicial Conference for the District of Columbia Circuit which struck one of the harshest blows with this weapon.

At the close of its 1956 term the Supreme Court had, in *Mallory* v. *United States*,[31] extended the application of its libertarian decision in the earlier *McNabb* case.[32] *McNabb* had ruled that confessions secured as a result of questioning during a prolonged period of delay between arrest and arraignment could not be used as evidence in a federal court. While the delay in *McNabb* had been several days, in *Mallory* less than eight hours had elapsed between arrest and confession. Nevertheless, the Court held that even this shorter period fell within the prohibition against "unnecessary delay" in arraignment imposed by Rule 5(a) of the Federal Rules of Criminal Procedure. Frankfurter's unanimous opinion conceded that "circumstances may justify a brief delay," but the police must "arraign the arrested person as quickly as possible so that he may be advised of his rights and so that the issue of probable cause may be promptly determined."[33] The Federal Rules were declared to allow "arresting officers little more leeway than the interval between arrest and the ordinary administrative steps required to bring a suspect before the nearest available magistrate."[34]

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[28] October 24, 1958, pp. 36–37.

[29] 28 U. S. C. §331 provides that every year the Chief Justice of the United States shall call a meeting of the chief judges of each circuit, the chief judge of the Court of Claims, and a district judge from each circuit. This conference is directed to make a survey of the business of the courts of the United States and to submit to Congress a report including any suggestions for improvements. 28 U. S. C. §333 establishes similar rules for a judicial conference in each circuit. See Judge John J. Parker, "The Integration of the Federal Judiciary," *Harv. L. Rev.*, Vol. 56, p. 563 (1943).

[30] *Annual Report of the Proceedings of the Judicial Conference of the United States* (Washington, 1958), p. 28. Earlier recommendations are summarized in *House Report No. 1293 on H.R. 8361*, 85th Cong., 2d Sess. This report lists and discusses the various Supreme Court rulings which would have been modified by the proposed bill. The bill did not pass the 85th Congress, and in 1959 the Judicial Conference shifted its position, endorsing instead a proposal which would have modified lower court *habeas corpus* procedure while leaving intact the substance of Supreme Court decisions in this area. (*New York Times*, April 29, 1959, 18:6–7.)

[31] 354 U. S. 449 (1957).

[32] 318 U. S. 332 (1943).

[33] 354 U. S. 449, 454 (1957).

[34] *Ibid.*, at 453.

This decision, resulting as it did in the freeing of a chronic criminal who had just been found guilty of a brutal rape, stirred up a hornet's nest in Congress[35] as well as more tactfully expressed displeasure among lower court judges. At its next meeting, the Judicial Conference for the District of Columbia Circuit, the circuit in which *Mallory* had originated, endorsed pending legislation which would have rewritten Rule 5(a) so as to erase the *McNabb-Mallory* holdings.[36]

District Judge Alexander Holtzoff, the trial judge in the *Mallory* case and a Department of Justice careerist years before, was even sharper than the Judicial Conference in his opposition to the Supreme Court decision. In reply to a letter from a Senate subcommittee, the judge, who had acted as secretary to the advisory committee which had assisted the Court in drafting the Federal Rules, supplied some of the pertinent legislative history of Rule 5(a). He reported that the advisory committee had considered adding a subsection to Rule 5 to the effect that confessions obtained during an "unnecessary delay" between arrest and arraignment should be inadmissible. The committee, however, had rejected this proposal because it felt that such exclusions would punish the public more than delinquent police officials.[37] In similar oral testimony before another Senate subcommittee, Judge Holtzoff was deferential to the Supreme Court, but no less firm in his conviction that the Court had erred in *Mallory*. He reminded the Senators that *Mallory* was based not on constitutional but only on statutory interpretation. While such interpretation was within the power of the High Court, "it is equally within the power of the Congress to change this principle by legislation."[38]

The later handling of the *Mallory* decision, without new legislation, provides a classic example of the power of inferior judges to reshape legal doctrine expounded by the Supreme Court. By means of explaining, limiting, and distinguishing, the district and circuit judges in the District of Columbia have been able to permit the use in evidence of a high percentage of confessions secured during delays in arraignment.[39]

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[35] A number of bills to reverse the Mallory decision were introduced in the 85th Congress. H.R. 11477 passed both the House and Senate, but in somewhat different forms. The conference report was agreed to by the House, but was defeated in the Senate minutes before final adjournment when Senator Carroll (D., Colo.) raised a point of order which Vice President Nixon sustained.

[36] *Washington Post & Times Herald*, May 9, 1958.

[37] Letter of Judge Alexander Holtzoff to General Counsel of the Senate Subcommittee on Improvements in the Federal Criminal Code, January 21, 1958.

[38] Senate Subcommittee on Constitutional Rights, *Hearings on Confessions and Police Detention*, 85th Cong., 1st Sess. (March 7, 11, 1958), p. 4.

[39] Senate *Hearings*, *supra* note 38, contain a collection of 13 lower court decisions, many of them otherwise unreported, interpreting *Mallory*. For other opinions applying or avoiding that case, read: United States v. White, 153 F. Supp. 809 (1957); United States v. Valente, 155 F. Supp. 577 (1957); United States v. Hodges, 156 F. Supp. 313 (1957); United States v. Armpriester, 156 F. Supp. 134 (1957); Mullican v. United States, 252 F. 2d 398 (1958); Smith v. United States, 254 F. 2d 751 (1958); Edwards v. United States, 256 F. 2d 707 (1958); Washington v. United States, 258 F. 2d 696 (1958).

Confessions were ruled admissible in 16 of these 21 cases.

Retired Associate Justice Stanley Reed, recalled to temporary duty on the Court of Appeals, and District Judge Holtzoff played prominent parts in this process. In *Porter* v. *United States,*[40] Reed, who had dissented from *McNabb,* shifted emphasis from the accused's right to be promptly arraigned to the accused's right not to be inflicted with the "serious stigma" of arraignment until the police had made "some pertinent and definitive inquiry." In this manner Reed was able to sustain admission of statements made during a 17-hour interval between arrest and arraignment.

Holtzoff continued his respectful resistance by closely limiting the value of *Mallory* as a binding precedent to the specific facts of the case. In overruling objections to a confession obtained during a short period of questioning (less than 45 minutes) before arraignment, Holtzoff stated: "An opinion of a court is not to be treated and read as an essay in determining the rule of law to be evolved therefrom . . . . The process is limited to collating not the statements in the various decisions and opinions, but the precise rulings."[41] On this basis, he concluded:

> While there are some statements in the opinion of the Court that are somewhat broader than the precise holding, the actual rule that can be deduced from the [Mallory] case in the light of the facts there involved, is that a period from 2:30 P.M. until 10:00 P.M.,—about seven and one-half hours,—is too long an interval and constitutes an unreasonable delay in bringing a prisoner before a committing magistrate.[42]

In this opinion Holtzoff brought out the underlying difference here between the lower courts and the Supreme Court. *Mallory* and its predecessors were concerned with the rights of the individual. If the Court was engaging in a balancing process, its thumb was on the side of the defendant's rights. Holtzoff and many of his colleagues in the District of Columbia circuit preferred to see the judicial thumb, if not off the scales, at least shifted to the side of the general public. Where the Supreme Court had been viewing the conflict as between a defendant's constitutional rights and police administration, the lower courts saw the clash as between an individual's rights to technical procedures and the public's right to basic protections.

> Every member of the community has a constitutional right to be protected in the safety of his person and his property. The victim of the crime must not become a forgotten man. His rights are much greater than those of the criminal. When the criminal law ceases to protect the public, it has failed of its purpose.[43]

The Supreme Court had spoken in *Mallory,* and while its opinion obviously did not set precise or very narrow limitations on lower court discretion, it did impose broad restrictions on the number and kinds of decisional alternatives open to federal judges. On the other hand, many problems come before lower courts on which the Supreme Court has not yet passed judgment. In deciding such cases, these tribunals can do, once removed, what the Supreme Court itself occasionally does in an analogous situation. For the High Court's question "What would the Founding Fathers or Congress have willed had they foreseen the case at bar?" the lower courts can substitute "What would the Supreme Court have visualized the Framers or Congress as willing had the Supreme Court foreseen this case?" This kind of speculation comes close to giving oneself a blank check.

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[40] 258 F. 2d 685 (1958).

[41] United States v. Heideman and Brennan, 21 F.R.D. 335, 337 (1958).

[42] *Ibid.,* 338.

[43] *Ibid.,* 340.

Further complications enter when judges sense shifts in Supreme Court policy. Two schools of thought tell lower courts how to handle such problems. One, represented by the late Jerome Frank, feels that "when a lower court perceives a pronounced new doctrinal trend in Supreme Court decisions, it is its duty, cautiously to be sure, to follow not to resist it."[44] In a footnote to this statement, Frank added: "To use mouth-filling words, cautious extrapolation is in order."

Judge John J. Parker provided one of the most dramatic occasions of an inferior court's declining to follow an explicit Supreme Court precedent. In 1940, in the *Gobitis*[45] case, the High Court had with only one dissenting vote sustained the authority of Pennsylvania to compel children of Jehovah's Witnesses attending public schools to salute the flag, despite First Amendment and First Commandment scruples. Just two years later a case with almost identical facts arose in West Virginia, but, in the teeth of *Gobitis*, Judge Parker held the regulation invalid. This was not defiance. Parker noted that three of the *Gobitis* majority had confessed error[46] and that two others had retired, leaving the flag salute supporters a minority of three. "Under such circumstances and believing, as we do, that the flag salute here required is violative of religious liberty when required of persons holding the religious views of plaintiffs, we feel that we would be recreant to our duty as judges, if through a blind following of a decision which the Supreme Court itself has thus impaired as an authority, we should deny protection to rights which we regard as among the most sacred of those protected by constitutional guarantees."[47]

But prediction is a risky enterprise, and while Parker's nose-counting turned out to be correct, other guesses, however informed, can be and have been wrong.[48] This is the reasoning behind the views of the more conservative school of thought which holds that inferior judges should follow doubtful precedents until the Supreme Court specifically voids them.[49] As Chief Judge Calvert Magruder of the First Circuit has recently said: "We should always express a respectful deference to controlling decisions of the Supreme Court, and do our best to follow them. We should leave it to the Supreme Court to overrule its own cases." In keeping with this philosophy Judge Magruder called Parker's decision in the second flag case "an unseemly thing."[50]

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[44] Perkins v. Endicott Johnson, 128 F. 2d 208, 218 (1942). The Supreme Court affirmed this decision, 317 U. S. 501 (1943).

[45] Minersville School District v. Gobitis, 310 U. S. 586 (1940).

[46] Jones v. Opelika, 316 U. S. 584, 623–624 (1942).

[47] Barnette v. West Virginia, 47 F. Supp. 251, 253 (1942). It is worth noting that it had been Parker's strict adherence to Supreme Court precedent in an anti-labor case some fifteen years earlier which had alienated organized labor and helped defeat Senate confirmation of his nomination to the Supreme Court. The case was United Mine Workers v. Red Jacket Consolidated Coal & Coke Co., 18 F. 2d 839 (1927). For details see Subcommittee of the Senate Committee on the Judiciary, *Hearings on the Confirmation of Hon. John J. Parker*, 71st Cong., 2d Sess. (April 5, 1930).

[48] In Gardella v. Chandler, 172 F. 2d 402 (1949), Judge Frank thought that the Supreme Court had turned into an "impotent zombi" its 1922 decision (Federal Baseball Club v. National League, 259 U. S. 200) that professional baseball was beyond the scope of congressional regulatory power, and consequently outside the reach of the

Magruder was taking an instrumental rather than an ideological position, however. He admitted that when a new situation arises a lower court has two choices: either to concentrate on previous Supreme Court opinions and milk available dicta for possible guidance, or to strike out afresh and give its own opinion of what the law should be. And Magruder confessed that he himself had used both methods. He conceded further that on one occasion where he was using the second method "it was necessary to deal somewhat roughly, though very respectfully," with an explicit Supreme Court decision which he thought "shaky."[51]

Perhaps the most significant portion of Judge Magruder's address was his open acknowledgment that lower court jurists, although mindful of their obligation to the Supreme Court, were sometimes simply unwilling to follow the Justices in their interpretation of the law. As an example the judge cited a 1957 decision of his court limiting the definition of a seaman under the Jones Act.

Sherman Act. In 1953, however, the Supreme Court continued baseball's anti-trust immunity, though not affirming all that the earlier case had implied. Toolson v. New York Yankees, 346 U. S. 356. Even more to the point was the slap the Court administered in Spector Motor Service v. McLaughlin, 323 U. S. 101 (1944). A majority of the Court of Appeals for the Second Circuit (including Judge Frank) had detected a "new doctrinal trend" of the Supreme Court regarding state taxation of interstate commerce, and invalidated a Connecticut tax. In reversing this decision, the majority opinion, written by Justice Frankfurter, rebuked the lower court for its over-hasty anticipation.

[49] As Judge Chase of the Second Circuit said, dissenting from one of Jerome Frank's opinions: " . . . we should not be astute in seeking to anticipate that the court which has the power to do so will change that decision. To do so would not only be an unwarranted attempt to usurp the authority of that court but would make its task in general much more difficult. . . . [U]ntil, and unless, we are advised by competent authority that it is no longer the law we should continue to abide by it." Gardella v. Chandler, 172 F. 2d 402, 405 (1949). *Cf.* the opinion for the Court of Appeals for the Seventh Circuit in Aetna Portland Cement v. FTC, 157 F. 2d 533 (1946).

Learned Hand apparently took a middle position between his brethren on the Second Circuit. "I agree that one should not wait for formal retraction in the face of changes plainly foreshadowed. . . . Nor is it desirable for a lower court to embrace the exhilarating opportunity of anticipating a doctrine which may be in the womb of time, but whose birth is distant; on the contrary I conceive that the measure of its duty is to divine, as best it can, what would be the event of an appeal in the case before it." Dis. op. in Spector Motor Service v. Walsh, 139 F. 2d 809, 823 (1944).

[50] "The Trials and Tribulations of an Intermediate Appellate Court," *Cornell L. Q.* Vol. 44, pp. 1, 4 (1958).

[51] *Ibid.*, p. 7. The Supreme Court case in question was Bull v. United States, 295 U. S. 247 (1935).

The Supreme Court had summarily reversed the Court of Appeals, but, Magruder frankly stated, were the issue to come up once more, "I am afraid that we shall again 'stick our necks out' and say, as a matter of law, that the man is not a seaman, thereby courting another probable reversal by the Supreme Court."[52]

The power of prediction evidently confers considerable latitude on its user. He may be discerning what he believes the future does hold, what he hopes the future will hold, or what he judges the future should hold. Such guessing can influence the Supreme Court, or Congress, and it can also embarrass both by creating not just one but, by the time certiorari is granted and the case heard on review, a whole series of *faits accomplis*. On the other hand, refusal to accord official recognition to changing doctrine can also confer power. Disavowal of authority may be used to conceal or at least to give good form to serious disagreement with Supreme Court policy. In South Carolina, District Judge George Bell Timmerman, Sr., father of the governor, twice after 1954 insisted on applying the rule of *Plessy* v. *Ferguson*[53] to bus segregation, asserting that the school cases had only involved education and not transportation. "One's education and personality," Timmerman said disdainfully, "is not developed on a city bus."[54]

The authority to make findings of fact gives trial judges extensive power which appellate tribunals can only partially control.[54a] And in the *School Segregation Cases*, the Supreme Court broadened the scope of this inherent authority by specifically directing the exercise of the widest sort of judicial discretion, guided only by the flexible formula "with all deliberate speed." This is obviously a grant of vast power, and the high bench has relied on the Courts of Appeals to supervise its exercise. At this writing, after four years of lower court administration of school segregation problems, the Supreme Court has consented to full-scale review of only one such decision,[55] and there it affirmed the Court of Appeals.

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[52] *Loc. cit.*, p. 10. The case referred to was Grimes v. Raymond Concrete Pile Co., 245 F. 2d 437 (1957); reversed, 356 U. S. 252 (1958).

[53] 163 U. S. 537 (1896).

[54] Flemming v. South Carolina Gas & Electric Co., 128 F. Supp. 469, 470 (1955). After the Court of Appeals reversed Timmerman, 224 F. 2d 752 (1955), he tried to salvage something by ruling that if not currently law, at least *Plessy* had been law at the time the bus dispute had begun. 1 *Race Rel. L. Rep.* 679 (1956). This, too, was reversed, 239 F. 2d 277 (1956). See also Timmerman's bitter statements dissenting in Bryan v. Austin, 148 F. Supp. 563 (1957).

Not to be outdone by Timmerman's *bon mot* about buses and personality, Judge Walter Hoffman of the U. S. District Court for Eastern Virginia, in throwing out a suit against segregated rest rooms in a state courthouse, remarked: "The underlying reasons for the rejection of the 'separate but equal' doctrine would not appear to be applicable to toilet facilities. . . ." Dawley v. Norfolk, 159 F. Supp. 642, 648 (1958). In spite of this sardonic piece of humor, Hoffman has rigidly followed the letter and spirit of Brown v. Board.

[54a] See especially Jerome Frank, *Courts on Trial: Myth and Reality in American Justice* (Princeton: Princeton University Press, 1950). The Supreme Court, however, has not always felt itself bound by lower court findings of fact. The older cases on this point are collected in Annotations at 49 L. ed. 546 and 58 L. ed. 1245. Among the more recent decisions asserting the right of the Court to review and reëvaluate facts as well as law are: Truax v. Corrigan, 257 U. S. 312 (1921); Norris v. Alabama, 294 U. S. 587 (1934); United States v. Appalachian Power Co., 311 U. S. 377 (1940); Smith v. Allwright, 321 U. S. 649 (1944); Craig v. Harney, 331 U. S. 367 (1947); Niemotko v. Maryland, 340 U. S. 268 (1951); Feiner v. New York, 340 U. S. 315 (1951); Kern-Limerick v. Scurlock, 347 U. S. 110 (1954); Michel v. Louisiana, 350 U. S. 91 (1955); Konigsberg v. State Bar, 353 U. S. 252 (1957).

Such a policy constitutes a manifestation of faith as well as an invitation for assumption of power. And occasionally a judge will seize the full implications of this invitation. Flying directly in the face of the desegregation ruling, and even after one reversal by the Court of Appeals, District Judge William H. Atwell declined to order Dallas, Texas, to set a date for integration because this would cause "civil wrongs." Lest his own feelings be mistaken, Atwell declared: "I believe that it will be seen that the [Supreme] Court based its decision on no law but rather on what the Court regarded as more authoritative, modern psychological knowledge . . . . It will be recalled that in 1952, Mr. Justice Frankfurter said it was not competent to take judicial notice of 'Claims of social scientists.' "[56]

As a retired jurist called back for temporary service, Judge Atwell may have felt a wider margin of freedom than his more active brethren, but the significant fact remains that 48 months after the Supreme Court's implementation decision neither of the two Southern communities in which the original school cases began had yet been required to admit a single Negro child to a hitherto white school.[57] Indeed, although there had been several court orders for a "prompt start" on plans for eventual segregation, when the school year closed in June, 1959, the only two Deep Southern states to have even token public school integration in some localities were North Carolina and Virginia.

This is not to deny that most federal judges are trying their best to carry out desegregation in a sincere and workable manner, but even the most imaginative member of the realist school of jurisprudence could hardly conceive of a more fertile field for free play of judicial predilections, conscious and sub-conscious. As a reaction against this freedom and its resultant responsibility, there is evidence of a growing resentment among lower court judges in Southern and border states, a feeling that they have been left to engage in a violent emotional battle against prevailing white mores while the Justices in Washington refuse to stoop to such conflict by primly denying certiorari in segregation cases.

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[55] Cooper v. Aaron, 3 L. ed. 2d 5 (1958).

[56] Bell v. Rippy, 146 F. Supp. 485, 486 (1956). The earlier decision is reported at 133 F. Supp. 811 (1955), and the reversal, *sub nom.* Brown v. Rippy, at 233 F. 2d 796 (1956). This second decision, of course, was also reversed, *sub nom.* Borders v. Rippy, 247 F. 2d 268 (1957), but this did not end the matter. Atwell immediately went to the opposite extreme and ordered Dallas schools integrated in the middle of the academic year. 2 *Race Rel. L. Rep.* 985 (1957). This decision was also reversed by the Court of Appeals, 250 F. 2d 690 (1957).

[57] In the case which originated in Prince Edward County, Virginia, the district judge in 1958 set 1965 as the date for compliance, 164 F. Supp. 786 (1958). The Court of Appeals reversed, and ordered admission of qualified Negro students to hitherto white schools in September 1959, 266 F. 2d 507 (1959). The county replied in June, 1959 by refusing to appropriate money for continued operation of public schools. For a discussion of various private school plans, consult Walter F. Murphy, "Private Schools with Public Funds?", *Journal of Politics*, Vol. 20 (1958), p. 635; for current developments see the *Southern School News* (Nashville, Tenn., monthly).

It is possible that the Court of Appeals for the Eighth Circuit in the August 1958 phase of the Little Rock campaign was trying to force the Supreme Court's hand when it took the somewhat unusual step of staying its own order to preserve the *status quo*.[58] If the case had not been immediately reviewed by the Supreme Court, the stay would have allowed Central High School to transfer its Negro students and to reopen as a segregated institution. This would have been an immense victory for Governor Faubus's obstructionist tactics.

If the Court of Appeals was trying to compel the High Bench to reiterate its principles and re-enter the fight, the circuit judges succeeded wonderfully well. Both the opinion of the Chief Justice and Frankfurter's concurrence spelled out the Court's constitutional authority and interpretation, as well as its policy intentions, in a far more powerful form than had either of the two previous school decisions.[59]

III

The lower courts can and do check the Supreme Court, but the Supreme Court can act to counter lower court power. While it cannot fire and hire new personnel as the President can sometimes do, the Court can review and reverse inferior judges. This is important beyond any effect on a particular case. Judges, no more than other men, enjoy the prospect of public correction and reprimand. The Supreme Court can put added bite to this psychological whip by sarcasm and scathing criticism of its own. Alternatively, the Court may resort to more diplomatic means as it did in *Williams* v. *Georgia*.[60] But the limitations on such efforts at peaceful coexistence were clearly spelled out when the Georgia supreme court not only refused to review Williams' conviction but also declined to recognize any federal jurisdiction.

In a more subtle fashion, the Supreme Court may nip evasions by means of gratuitous legal advice, a method which almost touches the tabu against advisory opinions. Thus after the final Florida decision in the *Hawkins* litigation, the United State Supreme Court denied certiorari; it added the notation, however, that this denial was not intended to prejudice the right of Hawkins to take his case to a federal district court.[61] The NAACP got the hint and won a compromise victory in a relatively short time.[62]

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[58] Cooper v. Aaron, 257 F. 2d 33 (1958).

[59] Cooper v. Aaron, *supra* note 55.

[60] *Supra* note 22. Compare the similar conciliatory efforts in Deen v. Hickman, 3 L. ed. 2d 28 (1958).

[61] Florida ex rel Hawkins v. Board, 355 U. S. 839 (1957).

[62] Even this victory is significant for the thesis of this article. The federal district court first refused to allow Hawkins to introduce any evidence. The Court of Appeals reversed, Hawkins v. Board, 253 F. 2d 752 (1958). The final result of nine years of litigation was an injunction forbidding the University to deny entrance to its *graduate* schools because of

Similarly, in its September 1958 Little Rock opinion the Court managed to warn federal courts and state officials, as well as potential plaintiffs, that it would not look with favor on projected private school plans. This was accomplished by means of a general statement: "the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws; whatever the agency of the State taking the action, or whatever the guise in which it is taken."[63] Even more meaningful were two of the citations appended to the last clause. These referred to decisions of Courts of Appeals which had prohibited states from allowing ostensibly private agencies to carry out discrimination forbidden to state governments.[64]

When confronted with systematic evasion the Supreme Court could, as a last resort, invoke its inherent power to punish for contempt in order to coerce either state or federal judges. But this is as unlikely to be used as is the impeachment and removal power of Congress. More probably, the Court would do as it did in the second restrictive covenant cases[65] and what it indicated it would do in its Little Rock opinion: cast all technicalities aside and bring the full weight of its constitutional authority to bear on the substantive issues in the dispute. Or, if the case had originated in a federal court, it might act as it did in 1958 and make the final determination of the problems itself.[66] Faced with such countermeasures, lower courts would no doubt retreat in an effort both to save face and to salvage as much as possible, realizing that the battle could be continued in the administrative and legislative processes much more easily if a final showdown in the judicial process were avoided.

In such a fashion this aspect of judicial decision-making comes full circle. The Supreme Court must take into account the reaction of inferior judges, and lower courts must attempt to divine the counter-reaction of the Supreme Court. Meanwhile, both must keep a wary eye on public opinion and maneuverings within the other branches of government to ascertain how these will affect the policy concerned. Judges have not solved the dilemmas caused by this feedback process, nor have administrators. And if power can be checked only by power, it may be healthy for the continued existence of limited government if neither judicial nor administrative officers ever fully resolve these conflicts.

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race. The district court, however, refused to order Hawkins's admission, 162 F. Supp. 851 (1958).

[63] Cooper v. Aaron, *supra* note 55, at 16. (Citations omitted.)

[64] Derrington v. Plummer, 240 F. 2d 922 (1956); Department of Conservation v. Tate, 231 F. 2d 615 (1956).

[65] Barrows v. Jackson, 346 U. S. 249 (1953).

[66] Yates v. United States, 356 U. S. 363 (1958).

TOWARD AN UNDERSTANDING OF PUBLIC SCHOOL POLITICS

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Mounting concern over the aims and achievements of American public schools emphasizes the need for continuing analysis of how the schools are run and who runs them. The general theory is simple enough: schools are objects of local control, the people of a local school district exercise that control through an elected school board, and the board appoints a superintendent to act as the chief executive of the district. There are variations from this pattern—in some places school boards are appointed rather than elected, in others the school system is formally a part of the city government, and in a few districts other officials, such as a business manager or building superintendent, share the top executive authority—but it is by far the most common arrangement among the nation's approximately 50,000 school districts.

I

The formal structure is based on state constitutions and statutes, and the latter have tended to confirm the historical development of education in the nineteenth century, especially in one respect: the district system of organization.[1] The desirability of *local* control of the public schools is an article of faith among most trained educators and many other Americans, including President Eisenhower.[2] Laymen assume that local control means control by the people of the district, usually through elected representatives. Professional educators, however, are less clear about this. Their books and journals are rife with intimations that the people and even the school board members should keep their hands off the schools.[3] Even James B. Conant's "report," after echoing the typical recommendation that school boards should confine themselves to "policy" as distinguished from "administration," says that they should refrain from interfering with curricular development.[4] But where is educational "policy" made, if not in the development of the curriculum? Doubtless Conant's remark was an inadvertent slip, for his book as a whole deals primarily with the curriculum and is addressed to "interested citizens," a category which surely includes more than educators; but many educators are insistent in urging, in effect, that the schools are the special province of the professionals, the voters being a necessary evil who must be reckoned with because they provide the money. In this view, the school board's primary functions, aside from directing the district's business affairs, are to hire and support a competent professional as superintendent, defend the schools against public criticism, and persuade the people to open their pocketbooks.[5]

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[1] Adophe E. Meyer, *An Educational History of the American People* (New York: McGraw-Hill Book Co., 1957), esp. pp. 39, 116, and ch. 9.

[2] When President of Columbia University, Mr. Eisenhower, in a letter to Representative Ralph Gwinn, pictured general federal aid for education as "another vehicle by which the believers in paternalism, if not outright socialism, will gain still additional power for the central government." *Congressional Record*, Vol. 95, Pt. 14, p. A3690, June 14, 1949.

[3] *E.g.*, "We should never wish to remove the teacher altogether from social control, for the school is, after all, a social institution serving the needs of the community. But we should hope in the years to come to erect new agencies of control which would oversee the work of the educational profession at a little greater distance than is now the case." Van Cleve Morris, "Grass Rootsism and the Public Schools," *School and Society*, Vol. 85, No. 2114, June 22, 1957.

[4] James B. Conant, *The American High School Today* (New York, 1959), p. 43.

This seems like turning representative government upside down. It also reflects a somewhat specialized concept of democratic theory, not unlike that expounded by Walter Lippmann—namely, that the experts should initiate policy and carry it out, with the people's representatives properly confined to the negative function of checking any gross abuse of power.[6] Lippmann was referring primarily to foreign policy, and could argue plausibly that the control of foreign policy—Locke's "federative power"—was a matter for special treatment in an otherwise self-governing society.[7] It seems questionable whether the considerations favoring executive (or expert) direction of foreign policy are equally applicable to the control of school districts. Nevertheless, there are observable reasons for the desire to limit the role of the school boards and the people who elect them. The chief one is the professionalization of public school education.[8]

The professionals consist of three groups. Numerically the largest, and politically today the least significant, are the school teachers.[9] A hundred years ago, school teaching, in contrast to university teaching, law, medicine, and the ministry, was a vocation rather than a profession. A prime purpose of the National Education Association, originated in 1857, was to raise it to a professional status. By a kind of bootstrap operation, this was largely achieved, though it took eighty years to do it. The early normal schools, essentially vocational training institutes, were supplemented by colleges and graduate schools of education; and states were moved to pass certification laws prescribing educational qualifications for teachers.[10] The second professional group is composed of the pedagogues' pedagogues—the faculties of teachers colleges and university departments of education. Their professional status was ready-made, but as the justification of their existence depended largely on the professionalization of school teaching itself, they naturally took a leading part in that process. They also were foremost in creating the third group, the professional school administrators.[11] School administration, as a profession, is a latecomer, but in terms of understanding the politics of the public schools it is perhaps the most important of all. School administration is a decidedly hierarchical and disciplined business and the top administrator, the local school superintendent, holds the key position in each school district. Indeed, there seems to be professional agreement that the most significant duty of the people's representatives on the local school board is the selection of the superintendent.[12]

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[5] Consider the recommendations of W. W. Theisen, *The City Superintendent and the Board of Education* (New York, 1917) which, on the assumption that they represent agreement among "authorities in the field of school administration . . . [and] have stood the test of time," are endorsed and quoted in the competent manual for school board members prepared by Professor Reeder of Ohio State University: a school board member, to perform his "proper duties," should "Represent needs of the schools before city authorities or the legislature . . . [and] before the public. . . . Serve as laymen (even after retiring from the board) to champion school needs and to further public support of the schools," Ward G. Reeder, *School Boards and Superintendents* (New York, 1954), pp. 20–21. The chief organization of superintendents, addressing board members, did lay more stress on the board's supervisory and critical role, in *School Boards in Action* (Washington, D. C.: American Association of School Administrators, 1946).

[6] Walter Lippmann, *Essays in the Public Philosophy* (Boston, 1955).

[7] *Cf.* Woodrow Wilson, *Congressional Government*, 15th ed. (Boston, 1900), pp. xi–xii.

[8] The application of the professional concept to public school teaching faces one peculiar difficulty: "Teachers are recognized as a profession. . . . But unlike other professions, the entire control of education lies outside the profession." "Ten Criticisms of Public Education," *Research Bulletin*, Vol. XXXV, No. 4 (Washington, D. C.: National Education Association, December, 1957), p. 135. For relevant discussion of the necessary elements of any profession see Edgar B. Wesley, *NEA: The First Hundred Years* (New York, 1957) 349–350, and Hyman G. Rickover, *Education and Freedom* (New York, 1959) 61–81.

[9] Embattled teachers have, of course, on occasion been politically effective at the local level, as in the Boston school committee election of 1957; at the state level, their impact on the legislature may be considerable, as in California, but tends to depend on the vigor of organizations which in most states are guided by other segments of the profession.

The thoroughly defensible assumption that school teaching and school administration are the specialized tasks of persons with professional training and status leads inevitably to a professional distrust of lay interference.[13] This distrust has been accentuated by the frequency with which lay demands have conflicted with the convictions of the educators, seeming to them to be destructive of the very purposes of education.[14] Even well meant lay suggestions that more emphasis should be placed on the "three r's" have caused flutterings of alarm, for too often such criticisms have been the softening-up forerunners of assaults on the freedom of the teachers and so on the whole professional concept.[15] Such assaults have caused one writer to describe the politics of public education as "ideological politics," otherwise a comparative rarity on the American scene.[16]

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[10] Wesley, *op. cit.*

[11] "So great is the importance of the [superintendent's] office, and so elaborate its exactions, that special training for it is almost indispensable—a fact which, luckily, has long since been grasped by every first rate teachers college in the land." Meyer, *op. cit.*, p. 105.

[12] "Probably the most important responsibility resting upon a modern board of education is that of keeping a competent superintendent in charge of the community's schools." *School Boards in Action*, *op. cit.*, p. 11.

[13] "Because teaching, supervision, and administration have been specialized professions, the modern board of education cannot waste its time and jeopardize educational results by trying to do the work of technically trained educators." *Ibid.*

[14] See Robert M. Hutchins, "Are Our Teachers Afraid to Teach?," *A.A.U.P. Bulletin*, Vol. 40 (Summer, 1954), pp. 202–208. For an example of vigorous lay incursions into the selection of textbooks (presumably a professional function) see *Third Report: Un-American Activities in California* (Sacramento: California State Printing Office, 1947), pp. 353–354.

[15] Robert A. Skaife, "Know the Enemy," *Connecticut Teacher* (December, 1951), pp. 68–71, reprinted in C. W. Scott and C. M. Hill, *Public Education Under Criticism* (New York, 1954), pp. 233–239.

But are we permitted to speak of the "politics" of education? To many educators the word seems abhorrent: not even the admonitions of George S. Counts[17] can overcome their aversion to it. Again, this is understandable. Whole school systems have been blighted by the intrusion of certain aspects of politics, especially the use of patronage in appointments and contracts in apparent disregard of the need to give children the best possible education.[18] Yet because school districts are governmental units and the voters have ultimate responsibility, school board members and school superintendents are engaged in political activity whether they like it or not. The standard professional terminology for this—a semantic triumph—is "community relations"; a successful superintendent, particularly, must be skilled in community relations. Why not say frankly that he must be a good politician?[19]

Surely it is high time to stop being frightened by a word. Politics includes the making of governmental decisions, and the effort or struggle to gain or keep the power to make those decisions. Public schools are part of government. They are political entities. They are a fit subject for study by political scientists.

Yet neither educators nor political scientists have frequently engaged in the examination of public education from this angle. Educators have shied away not only from the word "politics" but from political scientists as well. (The terminology of social scientists who deal with "power structures" and "communications" they find more acceptable.) Their suspicion of political science stems in part from the writings of some public administration professors who have occasionally urged that school systems, being part of local government, should be merged with multi-purpose local units—namely cities and towns—thus losing their "independent" status;[20] and at the state level, that a department of education, like other departments, should be headed by an appointee of the governor rather than a quasi-independent board. These proposals are in direct conflict with the passionate convictions of professional educators,[21] and so have given political science a bad name in the teaching profession.

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[16] Robert C. Wood, *Suburbia* (Boston, 1958).

[17] "The profession should seek power and then try to use that power fully and wisely and in the interests of the great masses of the people." George S. Counts, *Dare the Schools Build a New Social Order?* (New York, 1932), p. 29.

[18] See, *e.g.*, Vincent Ostrom, "School Board Politics in Los Angeles," unpublished thesis, University of California, Los Angeles, 1948.

[19] A refreshingly frank statement by a superintendent of his political role can be found in Nicholas Moseley, "Politics and School Administration," in C. M. Hill, *ed.*, *Educational Progress and School Administration* (New Haven, 1936) pp. 61–76.

[20] See, *e.g.*, Ernest A. Engelbert, "Educational Administration and Responsible Government," *School and Society*, Vol. 75, No. 1035, Jan. 19, 1952. Independence of the municipal government is a professional article of faith. "The organizational control and tax levying structure for education should be separate from other units of local government." *Guides to the Improvement of State School Finance Programs* (Washington, D. C.: National Education Association, April, 1958), p. 14. The justification for such independence is stated in terms of the complexity of educational issues (requiring the "undivided attention" of board members), the need for continuity of policy, and the undesirability of mixing educational issues with other public issues. Arvid J. Burke, *Financing Public Schools in the United States*, rev. ed. (New York, 1957).

As for the political scientists, the running of the public schools—except for national defense the most extensive and expensive governmental activity in this country—has seldom seemed worth more than a chapter or two in a text on state and local government. There are honorable exceptions, but they are very few indeed.[22] The taboo has worked both ways, almost as if by tacit agreement: if politics has been anathema to educators, the governing of the public schools has seemed inconsequential to political scientists.

The taboo should be exorcised, for the future of public education, at every level of government, is not only a political issue but an increasingly crucial one. It requires analysis not only in terms of political institutions (almost the only point of contact, and friction, between educators and political scientists in the past) but in terms of voting behavior, ideological predispositions, the clash of interests, decision-making, and the impact of individuals and organizations on nation-wide trends in educational policy. Of these only the first two have been examined at all extensively (and then usually by social scientists whose primary concern is not politics) and even those have not been the source of any noticeable amount of published material.[23] If all the significant political factors are revealed, the people can more rationally and effectively control the governmental process. Such, at least, must be the faith of the political scientist who, devoted to the search for truth, believes that "what can be" is no less the truth than "what is."

II

The most significant subjects for decision by whoever runs the public schools concern the curriculum, the facilities, the units and organization of government, and personnel; and partly shaping them all is the omnipresent issue of finance.

Since World War II a war of words over the *curriculum* has been waged at white heat.[24] Because their professionalism seems to lack full public acceptance and because any attack may make it harder to raise the money needed for good schooling, educators tend to object vehemently to most lay criticism. The laity, of course, embraces most of us, including school board members and university professors (of everything but Education), so the inference might seem to be that no one but a professional educator has any business criticizing the methods or ideas of professional educators. This was a typical answer to the vigorous attack on the curriculum mounted by Arthur E. Bestor, professor of history at the University of Illinois.[25] However, by stepping carefully even an outsider may win a hearing. Constructive suggestions so phrased as to avoid sensitive toes, especially if preceded by well-publicized and protracted study, are treated with respect: witness the generally deferential reception of the report of James B. Conant, who is just as much a "layman" as Bestor. Any citizen who wants to influence the conduct of the schools might be well advised to follow Conant's example. And the person seeking to portray the political process in relation to education must also resist the temptation to be drawn into the controversy over "progressive education," "life adjustment," whether Johnny can read and if not why not, and the curriculum generally.[26] His task is not to say what should be in the curriculum, but how, by whom, and through whose influence that decision is or might be made.

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[21] The writer well remembers an occasion when, as director of a state "little Hoover" commission, he asked why the state department of education should be organized differently from any other department. The inquiry, advanced innocently enough, threw the commissioner of education into a purple and highly articulate rage.

[22] *E.g.*, John A. Vieg, *The Government of Education in Metropolitan Chicago* (Chicago, 1939); Robert L. Morlan, *Intergovernmental Relations in Education* (Minneapolis, 1950); Nelson B. Henry and Jerome G. Kerwin, *Schools and City Government* (Chicago, 1938). See also Carl F. Stover, "Local Government and the Schools: The Debate over Independence," Ph.D. thesis, Stanford University, 1955.

[23] Some of the unpublished scholarly material seems to deserve a wider audience. Perhaps the ice has been broken by the publication of Neal Gross's misnamed but interesting study of superintendent-board relationships, *Who Runs Our Schools?* (New York, 1958).

[24] The best-publicized attacks on the curriculum, aside from those of "super-patriotic" groups, include the books of Arthur E. Bestor, especially *The Restoration of Learning* (New York, 1955); Mortimer Smith's artistically written *And Madly Teach* (Chicago,

It is hard to read professional pronouncements on this subject without concluding that in professional eyes, the curriculum is essentially the school superintendent's business. To be sure, a committee of the American Association of School Administrators, in a report addressed to school board members, did say that the school board had "general responsibility" for the curriculum. The emphasis, however, seemed to be on the word "general," as was indicated by the committee's statement that "Curriculum planning and development is a highly technical task which requires special training. . . . Board members do not have and cannot be expected to have the technical competence to pass on the work of expert teachers in this field. . . . Nor can the board pass upon specific textbooks."[27] Conant likewise assumes that "the school board will

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1949); John Keats, *Schools Without Scholars* (Boston, 1958); and the recent call to arms by Vice Admiral Rickover, *Education and Freedom*, *op. cit.* The educators' defense and counterattack have been confined almost wholly to articles in professional journals: a number of them can be found in Scott and Hill, *op. cit.*

[25] "After all, as a scholar, the Illinois professor should realize that education (or Education) is a field of inquiry vast enough to consume a person's full time." William T. Brickman, "Critical Analyses of American Education," *School and Society*, Vol. 80, No. 2045 (Oct. 30, 1954), pp. 135–136.

[26] The temptation to plunge into the fray is aggravated when a dean of a state school of education makes a provocative statement like this: "The most important objective of public education . . . is the development in each student of attitudes of courtesy, respect, and helpfulness toward others." M. R. Trabue, "The Fundamental Purpose in Public Education," *School and Society*, Vol. 66, No. 1718 (Nov. 29, 1947), p. 416.

[27] *School Boards in Action*, *op. cit.*, p. 178. For a less guarded professional viewpoint, consider the implications of an "opinion survey" of a sample of teachers from eighteen scattered states. Asked who they thought should make various kinds of decisions, they were in substantial agreement on the curriculum-making process, as follows: "Determi-

leave the development of the curriculum to the administrative officers and the teaching staff but will be kept informed of all developments."[28] Even this, however, leaves some doubt about the school board's role, or lack of it. Is curriculum "development" something different from educational "policy," and if so, what is the line that separates them?

A school board member, impressively instructed to stick to policy and allow others to develop the curriculum, might well ask this question. But he might also ask why, if the curriculum is of great importance in educating children, he and his colleagues on the board should not take the responsibility for developing it? They are the people's representatives, elected to run the schools. Professional educators may say that they should not run the schools, but the law says that they must. (The law, of course, was made by some more laymen, called legislators.) Of course a strong argument can be made that usually the curriculum stands a better chance of improvement if it is "developed" by knowledgeable experts. But one may also suggest that experts can occasionally be wrong. Even Conant tacitly admits this, in his assumption that the school board will be "kept informed" and, also, that its members will "reserve (and exercise) the right" to question the superintendent and high school principal. One can imagine school board members, reading this, who will snort: "Reserve the right? We have no right to *refrain* from questioning our employees; we're to govern the school district and not to have some one else do it. There has been too much delegation of authority by elected officials lately. The people elected *us* to run things and we're going to run them."

Although recent controversies give the impression that the professionals have made the curriculum "progressive" (whatever that may mean) and want the school boards to keep hands off, there are indications that in many districts the shoe is on the other foot. Through conviction, or perhaps through ignorance and indifference, school boards have often adhered to curricula which the superintendents consider sadly out of date. Neal Gross quotes as typical of a size-

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nation of the objectives for the total instructional program of the school: principal, groups of teachers, and superintendent." Chiranji Lal Sharma, "Practices in Decision-Making as Related to Satisfaction in Teaching," unpublished dissertation, University of Chicago (1955), quoted in The Midwest Administration Center's *Administrator's Notebook*, Vol. III, No. 8 (University of Chicago, 1955). See also E. M. Tuttle, *School Board Leadership in America* (Danville, Ill.,: Interstate Printers and Publishers, 1958), pp. 31, 40, wherein the first secretary of the National School Boards Association, Inc., says that the board's "policies on the educational program should set forth clearly the goals which the community is seeking" and that the board should "interpret, defend and support constructive educational programs when the need arises." Mr. Tuttle does, however, also imply that some more direct board participation is desirable, including meeting with the superintendent and "professional educators and consultants" to consider "new ideas and concepts of instruction and curriculum planning" (p. 66). A teachers college professor expresses his assumption that in fact, the curriculum is largely shaped by what the professionals believe to be local lay opinion: he believes that this inchoate lay influence is highly unfortunate. Myron Lieberman, "Let Educators Run Our Schools," *The Nation*, March 7, 1959, pp. 206–209.

[28] Conant, *op. cit.*, p. 43.

able minority view among Massachusetts superintendents the following complaints: "The selectmen and the town finance committee take the attitude, 'What was good enough for me ought to be good enough for them (the children).' And so do some of my school committee members. How can you run a modern educational program with . . . a classical curriculum when 80% of the kids don't go on to college?"[29] And again: "My committee is primarily interested in keeping costs down. They don't want to discuss or even consider the need to revise the curriculum."[30] The burden is on those who want change: if the Bestors feel frustrated by the insistence on professional domination of curriculum-making, the professionals feel blocked by lay conservatism or apathy.

The question of whether board or superintendent should dominate is important, but nowhere near as significant as what the curriculum contains. The question is reminiscent of the excitement about balancing the Federal budget before World War II. Many people in the 1930s were convinced that to save the country expenditures must be drastically cut—which meant, of course, the reduction or elimination of the relief programs that gave work and wages to millions of otherwise unemployed men and women. Came the war in Europe, and by 1940 many of these same economizers, fervently pro-British and anti-Hitler, enthusiastically favored vast increases in Federal expenditures for defense and aid to Britain. Whether the budget should be balanced was less crucial than what the money was spent for. In the same way, while a certain form of board-superintendent division of authority may, like budget-balancing, seem generally sound, the real question is what kind of school it produces. The basic problem, therefore, is not one of "school administration"; it is the political issue of what is to be taught or read in our schools. We may wish to leave this decision to the experts; we may wish to make it ourselves. This issue is decided chiefly at the local level, and to a lesser extent in the state capitols by legislatures and state education departments. For the last forty years it has also been affected by national legislation granting federal aid for vocational education.

The decisions concerning *facilities*—chiefly school buildings—are made very largely in the districts, with a comparatively high degree of popular participation. The people get engaged in school-building politics more than in any other phase of public school politics, for two reasons. First, a building program requires a major capital outlay, and in nearly all states the bond issues which such capital outlays necessitate are by law subject to popular approval. Second, buildings being tangible and the distance a child must walk or ride to school being measurable, most people feel more qualified to have opinions about the need, nature and location of the schoolhouse than about what goes on inside it.[31]

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[29] Gross, *op. cit.*, p. 10. [30] *Ibid.*, p. 13.

[31] Even in a small district, popular ignorance concerning the school system may be abysmal. See Leo A. Haak, "The General Public and the Public Schools," in the Midwest Administration Center's *Administrator's Notebook*, Vol. IV, No. 8 (University of Chicago, May 1957).

Closely allied with the location and adequacy of buildings is the issue of *district organization.* Like the former, it is profoundly affected by finance: the Conant report, for instance, calls for reorganization of districts to eliminate small high schools because a really good small high school is, Conant believes, prohibitively expensive.[32] On the other hand, the problems of location cause Alvin Eurich of the Fund for the Advancement of Education to criticize this recommendation: in sparsely populated areas, a large high school would be too far from many children's homes.[33] The decisions on district size are sometimes made directly by state legislatures, or by state departments of education, but more often by the voters in the districts affected. The local voters' capacity to consolidate districts, is, however, profoundly affected by the kind of statutes enacted by the legislature.[34] The internal organization of a district—its system of government, whether its board shall be elected or appointed, its budgetary connection with the municipality—is ordinarily decided at the state level, though some states permit a certain amount of local option.[35]

Personnel decisions include one which, in most districts, is made directly by the people—the election of school board members. Here is politics at its plainest, despite the non-partisan ballot that prevails in the majority of such elections, yet few efforts have been made to analyze the nature of school board campaigns and patterns of voting behavior therein.[36] The educators and such useful publicists for education as the National Citizens Council for Better Schools rightly emphasize the importance of choosing "good" school boards, but their hortatory efforts are seldom buttressed by information as to what factors actually decide school board elections. The next significant personnel decision is the selection of a superintendent by the school board. He is often the key figure (as the professionals wish him to be) on the local educational scene.[37] Indeed, his selection or retention sometimes is the central issue in school board elections; the voters thus occasionally affect the choice directly, and their potential ability to do so influences board action.[38] Also for local decision is the matter of appointment, retention, and promotion of the teachers. Here direct, official popular intervention via the ballot box is rare indeed, although it has happened,[39] and although occasionally a school board election has revolved around the retention of a school principal or teacher rather than a superintendent.[40] In the main the decisions, formally made by the board, are based on the superintendent's recommendations. Chiefly on the superintendent, therefore, beat the informal pressures for appointment, transfer, or removal of a teacher, often in an emotional context arising naturally out of the complex psychology of the teacher-parent relationship.

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[32] Conant, *op. cit.*, p. 37.

[33] *New York Times*, Feb., 1959. Evidently, the question depends in part on how much the district is willing to pay for bus service.

[34] See Harlan Beem, "School District Reorganization in Illinois," *State Government*, July, 1951, pp. 178–181, and also *Path of Progress for Metropolitan St. Louis* (St. Louis: Metropolitan St. Louis Survey, 1957).

[35] *E.g.*, in New Jersey a city constitutes a "chapter six" district, with an appointed board, unless in a popular referendum it votes to become a "chapter seven" district with an elected board and popular budget control.

[36] Studies, unpublished, have been made in "Bay City," Mass., by a group including J. Leiper Freeman, and are in process in St. Louis under the direction of Robert H. Salisbury and the writer. See also Ostrom, *op. cit.*, and William B. Milius, "The Riverview Gardens Superintendent," unpublished thesis, Washington University, St. Louis, 1956.

[37] "The selection of the superintendent of schools is the most important single decision the board of education makes." *Choosing the Superintendent of Schools* (Washington, D. C.: American Association of School Administrators, 1941). *Cf.* Charles E. Reeves, *School Boards: Their Status, Functions, and Activities* (New York, 1954), p. 234. For illustrations of the superintendent's significance in the community, see Richard Conrad, "The Administrative Role: a Sociological Study of Leadership in the Public School System," unpublished dissertation, Stanford University, 1951; and Edmund G. Gleazer, Jr., "The Identification of Certain Alignments of Social Power Impinging on Decision-Making of

While these personnel decisions are made locally, in most districts they are constrained by state legislation, particularly laws prescribing minimum qualifications of superintendents, principals, and teachers, and governing the conditions of promotion and discharge. At the state capitols, more than anywhere else, the educators have fought and largely won their fight for professional status.[41] Tenure laws are, in the main, protections against "politics," but a tenure system may enhance status as well as security. More important, as a recognition of professionalism, are the certification statutes. To be sure, state occupational licensing laws hardly confer professional status, in the traditional sense, on every occupation licensed, such as those of elevator operator or hairdresser. In the case of teachers, however, they have been accompanied—indeed, have often been preceded—by state provisions for substantial formal training. This gives an additional justification for the claim of professionalism, especially as certification requirements, which obviously influence teachers' college programs, may also be to some extent geared to the courses offered by the teachers' colleges. The establishment of teachers colleges, furthermore, has created an institutional pressure center which some critics claim has a dominant effect on state and local curriculum decisions and on the selection of superintendents.[42]

Schools cannot be built, equipped, or staffed without money. The problems of *financing* are inherent in virtually all the issues just discussed. Indeed, they

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School Committee and Superintendent in a New England Community," unpublished dissertation, Harvard University, 1953.

[38] In Riverview Gardens, Mo., in 1955 a discharged superintendent successfully campaigned for the election of his friends to the school board and was reinstated. See Milius, *op. cit.*

[39] In preparation, under the direction of the writer, is a study of a referendum in 1957 in which the voters of Cambridge, Mass., nullified the school board's promotion of seventeen members of the instructional staff.

[40] See, *e.g.*, *Monroe, Michigan: Report of an Investigation* (Washington, D.C.: National Education Association, 1958); *cf. North College Hill, Ohio: Report of an Investigation* (Washington, D. C.: National Education Association, 1947).

[41] Progress up to twelve years ago (which has continued since) is summarized in *The Forty-Eight School Systems* (Chicago: Council of State Governments, 1948).

[42] See, *e.g.*, Lynd, *op. cit.;* Bestor, *op. cit.;* and Henry J. Fuller, "The Emperor's New Clothes, or Prius Dementat," *The Scientific Monthly*, January, 1951, pp. 32–41.

are so omnipresent and so grim that if we were required to give one general explanation of the behavior of professional educators, we might frame it in terms of a ceaseless search for funds. Here may well be the basic reason why educators react so emotionally to criticism: any adverse criticism may make it harder to raise money. When school board members are instructed to go out and "support the schools" in the community, it is not because the superintendents and teachers are thin-skinned or prefer praise to criticism. It is because schools, good or bad, cost money, which must be provided by vote of the people or of their elected representatives on the school board, in the city or county government, and in the state legislature.[43] At each level, the issue of school finance is a focal point of several obvious and broad conflicts of interest. The desire for low taxes clashes with the wish for good schools, in a struggle which is waged not only in the community by organized groups but within the mind of the thoughtful householder. A conflict between the owners of real property, on the one hand, and retailers and consumers on the other becomes increasingly important as proposals are made to shift the growing burden from the real property tax to the sales tax. The interests of those who live in wealthy districts with low taxes and good schools clash with the need to provide good schooling in less fortunate districts, through consolidation or equalization formulae. The local taxpayer wants relief which can be provided by state or federal aid, yet fears such aid because it might open the door to state or federal control: he who pays the piper calls the tune. The professionals are apparently less fearful of dictation from distant seats of power,[44] perhaps because what they really distrust is dictation from any lay source, including the local citizenry: the people should pay for the schools but the professional educators should run them.

Financial decisions traditionally have centered in the districts. Studies have consistently shown that citizens who are interested in the substance of education and have some knowledge of what the schools are doing tend to support the educators' demands for money more than do the less informed voters: hence the great emphasis, in the training of the superintendents, on public relations and "communications."[45] But the ways in which decisions are made are fixed by state laws, and often profoundly affect the decisions themselves. Thus in one state a school board may finally approve a budget which increases the property tax rate; in another the tax increase must be approved by the voters; in a third, the budget itself is the subject of a popular referendum. Bond issues may be voted by simple majorities in some states but require a two-thirds approval in others. The states, then, play a vital role in the local settlement of financial issues. They also are playing a more direct part, for state funds provide now an estimated 39.7 per cent of all money spent for public schools.[46] What new part, if any, the federal government will play remains a matter of conjecture. Today about 3.5 per cent of all school funds spent by school districts comes from federal sources.

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[43] An excellent comprehensive study of school finance is Arvid J. Burke, *Financing Public Schools in the United States*, rev. ed. (New York, 1957).

[44] For many years the National Education Association has led the fight for federal aid.

[45] See, *e.g.*, T. J. Jensen, "*The Importance of Public Opinion*," in The Midwest Administration Center's *Administrator's Notebook*, Vol. 1, No. 7 (University of Chicago, February 1953); H. V. Webb, *Community Power Structure Related to School Administration* (Laramie, Wyo., Curriculum and Research Center, University of Wyoming, 1956); Chilton R. Bush and Paul J. Deutschmann, "The Inter-Relationships of Attitudes Toward Schools and Voting Behavior in a School Board Election," dittoed report to the Pacific Southwest Project of the Cooperative Program in Educational Administration (Stanford University, 1955); *cf.* John M. Foskett, "The Differential Discussion of School Affairs," *Phi Delta Kappan*, April, 1956, pp. 311–315.

III

The fading away of the drive for federal aid to education in the last decade has been a most curious political phenomenon. In 1948 and 1949, with the powerful backing of Senator Taft, a massive federal aid bill passed the Senate by large majorities, 58 to 22 and 58 to 15. The movement foundered in the House Committee on Education and Labor, but even there a large majority of the members appeared to approve the principle. This majority, however, split on the question of whether, as the Senate bill provided, states receiving aid should be allowed to use it (within the limits of the First Amendment) to assist pupils in private and parochial schools in such matters as bus transportation, or whether the federal statute should strictly limit the use of the federal grants to public schools and public school pupils. A small minority of the committee were against federal aid in principle. They held the balance of power. By voting first with the anti-parochial school faction and then with the "state discretion" group, they kept the committee from reporting any bill.

The next years saw the problems of school finance become ever more pressing. Public opinion polls consistently showed overwhelming popular support for federal aid.[47] Yet in Congress, after Senator Hill's abortive attempt to tie federal aid to the tidelands oil bill in 1953, the drive for general financial support petered out; and the Eisenhower administration's modest proposals for federal grants for school building failed.

It may be reasonably predicted that general federal aid is still far off. If the parochial-school question was an insuperable obstacle ten years ago, the segregated-school issue seems like a much higher hurdle now and for some years to come. On the other side of the ledger, however, is the increasing insistence that public school education is a matter of national concern, profoundly affecting the long-run safety of the country.[48] Furthermore, in many ways existing federal statutes do inject the national government into the picture, with administrative authority scattered among literally dozens of agencies. The time is ripe for searching inquiry of several kinds. A "public administration" type of study is needed, to discover the extent of overlapping and conflicts of purpose in existing programs[49] and, perhaps, to produce a reorganization which might result in more effective leadership (without enforceable controls) toward national goals. And two kinds of comparative investigations are indicated: one to measure the extent of federal control over local policy in those existing programs which provide states and districts with federal funds, and one to analyze the pressures for uniformity which result from formal centralized control in other free democratic societies such as Great Britain. We may learn something about the possibilities, or lack of them, of retaining wide areas of local discretion even when local districts are dependent on federal funds. Must he who pays the piper always call the tune?

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[46] *Estimate of School Statistics, 1958–1959* (Washington, D. C.: National Education Association, 1958), p. 15; in southern states the percentage runs much higher, up to 75 or more.

[47] *Life's* poll in 1950 showed 65.4 per cent favorable to federal aid. The Gallup polls in 1956 and 1957 produced majorities of 67 per cent and 76 per cent respectively, for federal aid for school buildings; in 1957 Elmo Roper and Associates reported 73 per cent favoring federal aid, including 43 per cent who would extend it beyond aid for construction. See *Public Opinion Polls in American Education* (Washington, D. C.: National Education Association, May, 1958), p. 17–20.

[48] Rickover, *op. cit.*, and Fred M. Hechinger, *The Big Red Schoolhouse* (New York, 1959).

Today, in theory at least, the piper is paid and the tune is called by the citizens of each school district. School district government and politics would, therefore, seem to be the natural center for most research in the field of public control of public education. A considerable amount of such research has been undertaken and is now in process. Research projects range from case studies of elections and referenda, to power structure analyses, to attitude surveys—some try to combine all three.[50] Internal relationships between superintendents and school boards have been analyzed.[51] Numerous reports have described controversies which rocked or wrecked particular school systems.[52] A substantial amount of the material, published and unpublished, seems to be inspired by a desire to educate school superintendents in the political facts of life, despite the customary avoidance of such forthright terminology. Some more popular accounts appear intended to stimulate citizens to defend the professionals in their direction of the schools. The constructive scholarly efforts to explain the voters' rejection of bond issues in districts where new school buildings are obviously needed may help the professional leaders get bond issues adopted.[53]

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[49] *Cf.* Hollis P. Allen, *The Federal Government and Education* (New York, 1950).

[50] *E.g.*, Ostrom, *op. cit.*, Milius, *op. cit.*, and Bush and Deutschmann, *op. cit.*; also Vincent Ostrom and Robert E. Agger, "The Comparative Study of Politics in Local Communities," an appendix to the *Fifth Annual Report, Northwest Regional Project* (Eugene, Ore.: University of Oregon, 1956); Harry M. Scoble, Jr., "Yankeetown," unpublished dissertation, Yale University, 1956; and current research into budget referenda in New Jersey by Alan Rosenthal.

[51] *E.g.*, Gross, *op. cit.*; H. L. Condit, "Some Activities and Opinions of Missouri Boards of Education," unpublished dissertation, University of Missouri (1952); Richard E. Whalen, "Effectiveness of Elected and Appointed School Board Members," unpublished dissertation, University of Indiana (1953); Richard E. Barnhart, "The Critical Requirements for School Board Membership," unpublished dissertation, University of Indiana (1952).

[52] *E.g.*, the brief accounts of controversies in Port Washington, N. Y., Pasadena, Calif., Denver, Colo., and Eugene, Ore., in the *Saturday Review of Literature*, Sept. 8, 1951; David Hulburd, *This Happened in Pasadena* (New York, 1951); Robert Shaplen, "Scarsdale's Battle of the Books," *Commentary*, December, 1950; Joseph F. Maloney, "*The Lonesome Train" in Levittown* (University, Ala.: published for the Inter-University Case Program by the University of Alabama Press, 1958); and the numerous "reports of investigations" published by the National Education Association's National Commission for the Defense of Democracy Through Education.

Much of this research may be highly productive. The great difficulty about it, of course, lies in the safety of any generalizations that might be drawn from it. There are too many school districts, no two of them exactly alike. Some surprise was expressed at Conant's pronouncement that "there is no such thing as a typical American high school [and that] it is impossible to draw a blueprint of an ideal school,"[54] but nobody remembering his scientific background and eminence should have been surprised. The differences among thousands of communities and the schools which serve them impose limitations on the scope of valid recommendations just as they limit the possibilities of valid generalizations. It may well be true, as both experience and occasional research indicate, that by and large, the better-educated elements of a community tend most to agree with and uphold the professionals' conception of a good school, and that the more the superintendent and school board can stimulate public interest in the schools, the more likely will be popular support for bond issues and tangible improvements. Even this generalization, however, is strictly limited: the tendency of well-educated people to "back the schools" can be reversed by countervailing influences, especially the pressure of high taxes, and the public's involvement may produce results adverse to the superintendent's educational program unless he or the board inspires and directs it. Popular interest is a two-edged sword, as the experiences of Pasadena, Houston, and other places remind us. Much may depend on whether the hand that holds the sword is guided by the professionals or the laymen.

Analysis of the social composition and political behavior of local school districts must, then, take a long time and cover a great deal of territory before the findings can be presented with any sense of certainty that they are applicable or even useful as predictive devices beyond the boundary of the particular district where the research was undertaken. There are, however, some readily available bases for comparison among districts with structural or legal differences which may affect the outcome of voting on school issues. For instance, what is the effect on building expansion when a bond issue can be approved only by a two-thirds popular vote instead of a simple majority? Do the voters show more or less concern, and vote more or less favorably, in districts where the full school budget is submitted to them for approval than in districts where they pass only on the tax increase which reflects an increased budget? To what extent has the consolidation movement prospered in states whose statutes permit a merger of districts by area-wide majorities or encourage it by special financial aid, as compared with states where separate majorities in each merging district are required and no financial inducements are offered? These kinds of statistical questions can be answered while the more deep-delving sociological and behavioral studies proceed.

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[53] The U. S. Office of Education is currently supporting a sizable research project focussing on bond issue referenda, under the direction of Wilbur Schramm and William R. Odell of Stanford University.

[54] Conant, *op. cit.*, p. 96.

These questions, furthermore, point directly toward one focal point for research where findings of general applicability could perhaps have fairly immediate practical effect. All of them relate to state statutes. Public education is a state function, and the school districts are creatures of the states. In recent years, the state share of financing the public schools has risen to the point where nearly two-fifths of all the money spent for the schools comes from state funds. As we have seen, the pressure for professional status and security has largely centered on the state legislatures. So, occasionally, has pressure from lay organizations interested in particular kinds of curricular requirements.[55] In many instances, judging by the statutory results, these lay pressures have been similar from state to state. The legislators, as well as the local districts, are also affected by the recommendations of the state departments of education; the latter, inevitably, tend to become additional focal points of professional and lay pressures. There are fifty states; but general propositions are likelier to be valid for fifty units than for fifty thousand. Few studies have been undertaken of the politics of education at the state level. The significance of the subject is, however, illustrated by the findings of one research group, to the effect that on paper, at least, the amount of state control over local policies and administration in a dozen mid-western states does not appear to be related to the amount of financial aid furnished by the state.[56]

IV

Although political power is centered in groups and individuals, its effectiveness and use are shaped by institutions. The institutional pattern of public education may seem firmly fixed, firmly enough, certainly, so that any proposal, to have a chance of success, must appear to conform to it. The pattern, of course, is one of local control through the democratic process. Yet, as we have seen, questions can and should be raised as to the actual extent and nature of local democratic control. If the image is inconsistent with the reality, we should know it, and change one or the other.

The basic public objective is to have American school children taught what they should be taught by able and dedicated teachers.[57] As to what they should be taught, the broad conflict seems to be chiefly between most of the professional educators and some articulate laymen. General public knowledge about school curricula is hardly less than general public interest in the subject—both are small. But the launching of the first sputnik did stir the people—including educators—more than had the books of Lynd and Bestor, Keats and Smith.

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[55] T. F. Armstrong, Jr., "The Public Educational Programs of Selected Lay Organizations in Pennsylvania," unpublished dissertation, Temple University (1947); C. A. Sommer, "The Attitudes of Organized Farm Groups Toward Education in Michigan," unpublished dissertation, University of Michigan (1953); George A. Male, "The Michigan Education Association as a Pressure Group," unpublished dissertation, University of Michigan (1950); William Gellerman, *The American Legion as Educator* (New York: Teachers College, Columbia University, 1938).

[56] J. G. Fowlkes and George E. Watson, *State Finance and Local Planning* (Chicago: Midwest Administration Center, University of Chicago, 1957).

[57] See "Revised Teaching Aims Urged," *New York Times*, Feb. 8, 1959.

A typical professional response was to start teaching algebra in the eighth grade—as an "answer to the Russians" and, more realistically, as a defensive move against possible public criticism.[58] The question remained as to what affirmative role, if any, the layman should play in curriculum development.

The pressures for changes in the curriculum seem to have come from three sources. First is the professional viewpoint itself, shaped largely in teacher-training institutions and often reflecting or adapting the ideas of individuals of almost prophetic stature, such as John Dewey. Second is the need for money causing modifications of the program designed to anticipate public demand—a minimum obeisance to the sovereign people. Third is the activity of organized lay groups. At the local level, the "citizens' committee" usually lacks any real power base and hence is stalemated by the disciplined ranks of the professionals if it tries to engage in curricular reform.[59] Other lay groups, however, such as industrial associations, unions, and patriotic organizations often seek to influence the content of the curriculum; if they have electoral strength in the community, they may be hard to resist. At the state level they may have an easier time, for the legislators are not professional educators. In the legislature, the educators' professional associations constitute pressure groups competing with the lay organizations, in the familiar fashion of American politics. Perhaps the very fact that the legislature constitutes a battleground which educators cannot dominate is a basic reason for the professional insistence on local control. By making local control a virtual article of faith to which all good Americans, including state legislators, should subscribe, the educators have gained an advantage at every capitol. They can always argue politely and persuasively that regardless of the possible merit of any legislative proposal to require the teaching of particular subjects, discretion must be left to each school district. Compulsory uniformity would be a departure from the American way.

As for the quality of the teachers, it may be true, as Bestor and others have implied, that the kind of training prescribed as a prerequisite to entry into the profession discourages able men and women from becoming school teachers. It is a reasonable hypothesis, too, that the vested interests of the teacher-training institutions impose overwhelming obstacles to any radical reform, for the laymen who would like to substitute subject-matter scholarship for courses in pedagogy have two or maybe three strikes against them before they begin. They lack political power, they lack the experts' status, and they can find no short and simple answer to the question: "As teaching is a profession, why shouldn't prospective teachers be taught how to teach?" If the reform of teacher-training must precede the recruitment of an adequate number of new and highly competent teachers, it must be sparked by the profession itself[60]—or so, at least, the political realities seem to suggest.

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[58] About half the nation's secondary schools were occupied with curricular revision in science and mathematics in the months following the launching. *Research Bulletin*, Vol. 36, No. 3 (Washington, D. C.: National Education Association, October, 1958), p. 67.

[59] Citizens' committees had an exuberant growth in the 1950s. Studies of their operations in two states indicated that they served as sources of ideas and suggestions, were frequently considered by superintendents as a good public relations device, almost always regarded the superintendent with favor, and were usually dominated by him in the selection of committee projects. Charles F. Lehmann, "A Study of the Interpersonal Role Perceptions of School Administrators, Board of Education Members, and Members of Lay Citizen Committees in Michigan Public Schools," unpublished dissertation, University of Michigan, 1956; and Herbert W. Schooling, "The Use of Lay Citizens Advisory Committees in Selected Missouri Public Schools," unpublished dissertation, University of Missouri, 1954, both summarized by Roderick F. McPhee in the Midwest Administration Center's *Administrator's Notebook*, Vol. 5, No. 7 (University of Chicago, May, 1957).

The profession by itself cannot, however, gain the other objective which must be reached if first-class teaching is to be the rule: it cannot raise the money needed to hire and retain excellent teachers. Good salaries, by themselves, do not produce good teachers, as Eurich has emphasized, but bad salaries certainly are a factor in driving able teachers into more remunerative pursuits and in keeping potentially fine prospects out of the schools.[61] Here, and also in the matter of school buildings, the educators have taken the lead and have sought to stimulate organized lay support. Their professionalism does not greatly enhance their persuasiveness, for salary scales and classrooms are not occult mysteries. In fighting for financial support, therefore, their influence must stem less from their specialized knowledge than from their dedicated concern or their political power.

As a working hypothesis concerning the political system of public education, the following summary might be useful in facilitating analysis and putting the emphasis on the significant spots: As to what should be taught, generally the professionals are dominant, and this may be altogether necessary and proper. Their financial dependence on public approval makes them somewhat responsive to reasonable public demands, tactfully presented, although their very professionalism forces them to resist proposals of which they disapprove and causes them to react adversely to most lay criticism. Professional influence is usually preponderant in local districts where the school superintendent is, or can be, the leader of the school system. It is much weaker in the state legislatures, but even there it is aided by the traditon of local diversity and the easy access afforded by the presence of professionals in official state positions—the heads of teachers colleges and state departments of education. As to who should teach, the profession has generally sought state protection against pressures for local personal and partisan patronage. This protection, as a byproduct, has solidified the position of the teachers college where most prospective teachers must be trained and which increasingly influence boards of education in the selection of superintendents.[62] As for the acquisition of sufficient funds to build and run adequate schools, the decision-making authority rests partly in the school boards, partly in the local electorates, and partly in the state legislatures. To these lay groups the profession comes as supplicant, its demands competing with other demands (for highways, hospitals, etc.) and meeting the inevitable resistance of the taxpayer. If there are to be good schools, the competition must be largely won and the resistance broken down. To achieve these ends at the local level, the professionals seek to stimulate public interest in education, at the risk of lay interference with the schools. Their achievement at the state level depends more on the effectiveness of the professionals operating as pressure groups, with lay support which is less likely to involve lay dictation in curricular and personnel matters. At the federal level they have not yet been achieved. Unsuccessful drives for federal financial aid have been sparked by the largest professional pressure group and have been balked by a combination of three factors: the peripheral but highly charged issues of religion and race, the pocketbook interests of taxpayers in relatively wealthy states, and the traditional fear of central dictation. Perhaps only the passage of time can overcome the first of these obstacles, though acute public awareness of a national need for better schools might be enough. Such awareness is obviously needed to overcome the second. The third is not likely to be overcome without a more thorough, comprehensive analysis of its validity or unsoundness than has yet been forthcoming.[63]

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[60] The possibility of such a development is suggested by the Gallup poll's finding in April, 1958, that of 1100 school principals, 72 per cent advocated changes in the training of teachers.

[61] In 1957–58 the average salary of a classroom teacher was $4520. In thirty-five states most teachers were paid less than $4500. "The imbalance between teacher-supply and demand continues. In the fall of 1957 the demand stood at an estimated 227,500. . . . To meet this demand the colleges produced the preceding year slightly less than 100,000, 30 per cent of whom would probably not take teaching jobs." *Research Bulletin*, Vol. 36, No. 1 (Washington, D. C.: National Education Association, February, 1958), pp. 5, 10.

[62] A fairly sizable sampling in thirteen states indicated that in about two-thirds of the

The fact that the professionals, who have the greatest power stake in local control, are the people least afraid of federal aid[64] may be an indication of the needlessness of any fear of federal control. But it may also indicate something more basic. Is it conceivable that national financial aid and its concurrent possibility of national standards is acceptable to a national professional organization because that organization itself believes in or recognizes the existence of national standards? Perhaps we have been tending for a long time toward a greater degree of national educational uniformity than the old theory of local discretionary control implies. The professionalization of the school superintendency surely pushes us in that direction. The superintendent, like a city

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districts the superintendents had been recommended by colleges and universities. John E. Baker, "The Selection of Superintendents of Schools by Boards of Education," unpublished dissertation, University of Chicago, 1952, quoted in the Midwest Administration Center's *Administrator's Notebook*, Vol. IV, No. 6 (University of Chicago, February 1956). A retired professor of education told the present writer that he alone had recommended and placed at least a thousand superintendents.

[63] A thoughtful argument for federal aid and leadership is presented by Dawson Hales, *Federal Control of Public Education* (New York: Teachers College, Columbia University, 1954).

[64] A poll in 1948 in Indiana, for example, reported 70 per cent of the professional educators questioned as favoring general federal aid to all states, in contrast to 43 per cent of the "community leaders" and 39 per cent of the "rank and file" laity. Conversely, any federal aid was opposed, as a matter of principle by 25 per cent and 32 per cent of the two lay groups, respectively, but by only 9 per cent of the educators. Paul C. Fawley, "The Measurement of Attitudes Toward the Basic Administrative Organization of Public Education in Indiana," unpublished dissertation, University of Indiana, 1949.

manager, moves from district to district. His methods may alter to conform to the local mores, but his basic educational philosophy remains the same. And, by all appearances, one modern superintendent's educational philosophy is likely to be much like another's, for more and more of them qualify for the position through studies at teachers colleges of largely similar outlook. The profession is certainly not intellectually monolithic, as the debates and disagreements in journals and conventions show; but it may well be growing more unified in its devotion to agreed-upon professional standards and goals.

If this is so, what is the future for the "diversity" which justifies unimpaired local control? If local control in the most fundamental matters—curriculum and teaching—is largely in professional hands, are there even now fewer significant differences between districts than was formerly the case? Granted that state requirements differ, that local interests may differentiate programs in rural districts from those in urban districts, and that the curricula and teaching in particular schools or districts take account of the varying backgrounds and objectives of the student population; still, the classifications are broad. In thousands of districts the educational needs are similar. Conant may disclaim any intention to provide a blueprint, but his recommendations are not intended as the basis for a single district's experimentation: they are aimed at innumerable American high schools. And, significantly, the professional reaction to the Conant report has included little, if any, objection to the basic curricular uniformity which it implies. Perhaps, then, at least within broad urban-rural or socio-economic categories, local diversity is or will soon be significant only with respect to those matters where professional domination is weakest: school buildings (including site selection), transportation of pupils, and finance. Decisions as to the last, assuming any real public desire for improved schooling, will continue gradually to move out of local hands and into the state legislatures. Certainly the extent and nature of inter-district diversity in basic educational processes need prompt analysis. If, indeed, they are minimal, then the lay proponents of complete local control must be prepared to defend their position in terms of their convenience and their pocketbooks rather than their concern for educational content.

This kind of inquiry seems best suited for specialists in education, checked by "lay" scholars from other disciplines who are free from any charge of bias. The latter might or might not include political scientists. Many of the other questions raised in this paper, dealing directly with governmental and political processes, more immediately challenge students of government and politics. They point to the need for research in the following areas:

(1) At the local level, (a) structural analysis, in terms of familiar public administration concepts, the forms of school district organization being relatively few in number and providing a manageable field of comparative study; (b) behavioral analysis, especially of the impact of professional and lay leadership and group pressures on the decision-making process—such analysis can provide helpful insights even though, as the writer believes, school districts are too numerous and too disparate for safe generalization in this field; and (c) the

voters' responses in bond issue or consolidation referenda, under various but comparable conditions imposed by state law.

(2) At the state level, studies of (a) the organization and financial administration of the state's educational activities; and (b) the pressures on the legislatures and their response to those pressures. The view indicated in this paper is that state action, especially in the legislatures, is now significant and will soon have a crucial impact on educational development, and that useful findings can result from a comparative study of state influence, management or control.

(3) At the federal level, as suggested heretofore, the history of school legislation since World War II needs searching analysis, down to and including the National Defense Education Act of 1958, which may point a way around the impediments to earlier federal aid bills but which raises anew the question of federal control.

Three other fields of study are also relevant to political science. One involves comparison with countries having unitary governments, central fiscal control, and many local school districts where curricular innovation may or may not be possible.[65] Another, which should not be limited to the segregation issue, concerns the impact of the judiciary on the school systems: the questions here involve both federal and state courts, the conditions, values, or pressures which affect their decisions, and the ways in which the schools and their government have been influenced by those decisions.[66] Finally, the speculative political scientist may find fruitful a field heretofore ploughed chiefly by professional educators: namely, the relationship of the school curriculum (and the interests and training of the teachers) to the values of American political society. Here the political philosophers, perhaps bemused by the mysteries of "education" or thwarted by the old taboos, have been silent. The leadership was taken by articulate professional educators who propounded social and political goals for the schools, and sometimes by lay pressure groups which stressed conformity to prevailing economic norms and the instillation of national and local patriotism.

In all such studies, the realization that public policy in education is the product of discernible professional-lay interaction (sometimes conflict) at different governmental levels, may serve as a unifying conception. The conception itself needs to be tested by acute political analysis. If it is valid, it can lead to the identification of the real sources of power and the main roadblocks to progress, however defined—and so to new concepts of organization and more productive leadership, professional or lay or both.

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[65] See Edmund J. King, *Other Schools and Ours* (New York, 1958).

[66] Works related to this area include Clark Spurling, *Education and the Supreme Court* (Urbana, Ill.: The University of Illinois Press, 1955); and J. B. George, *The Influence of Court Decisions in Shaping School Policies in Mississippi* (Nashville, Tenn.: George Peabody College for Teachers, 1932).

THE INSULATION OF LOCAL POLITICS UNDER THE NONPARTISAN BALLOT

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The purpose of this article is to analyze the relationships between partisan and nonpartisan voting patterns in four cities using nonpartisan municipal elections. It is part of a larger comparative study on the process of policy formation in middle-sized cities.[1] The data have been used to test the nonpartisan rationale which states that the removal of party labels from the ballot insulates local elections from state and national political party influences.[2]

The "insulation" argument states that national political parties do not and cannot adequately serve the needs of the local political unit. Their intrusion into the local scene invariably represents the introduction of irrelevancies which confuse the voters and prevent them from dwelling on local issues in city elections. Thus, the nonpartisan idea is partially based on the belief that local democracy will be improved through rationalizing its political universe. Citizens will choose well if specific, pertinent, and familiar questions are posed to them.

This insulation doctrine implies that the removal of the party name will have at least three results: (1) voting in local elections will be based upon local issues, (2) the division in such local voting will not merely parallel the division of voters between the major parties, and (3) the introduction of the nonpartisan ballot will not lead to new and unwanted irrelevancies influencing local voting decisions. Our present data permit only the development of the first two points.

Four cities with populations of 50,000 to 75,000 are the subjects of this study. In many gross characteristics, the cities are similar. They all lie outside any major metropolitan orbit, all have had city managers for over a quarter of a century, all are manufacturing, industrial cities and all are located in the same state. The nonpartisan ballot has been in use in each of them since the early 1920's, and in each the local party organizations have withdrawn from organized activity in city elections. Furthermore, the present election system has been in existence sufficiently long to erase any recall of a previous partisan era: there are no vestiges of party apparatus for city election purposes.[3] Despite

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[1] The role of the city manager in three of the cities, Alpha, Beta, and Gamma, was reported on in Charles R. Adrian, "Leadership and Decision-Making in Manager Cities: A Study of Three Communities," *Public Administration Review*, Vol. 18 (1958), 208–213.

[2] Historically, two other claims of significance were made on behalf of nonpartisan elections: (1) that they raised the caliber of candidates for elective office; and (2) that they provided for greater integrity in the political process. These considerations are not included in this article.

[3] Some attention has been given to the city which is only formally nonpartisan. See Charles R. Adrian, "A Typology for Nonpartisan Elections," *Western Political Quarterly*, Vol. 12 (1959), pp. 449–458; and J. Lieper Freeman, "Local Party Systems: Theoretical

this absence of organized party activity, our findings show that partisan considerations are not irrelevant to an understanding of municipal electoral politics in these four cities. Some other assumptions about nonpartisanship, too, need qualification when applied to the cities under study.

I

There are essentially two types of voting analysis for demonstrating the affinity between partisan and nonpartisan elections: correlating some form of the partisan vote (1) with the vote for individual nonpartisan candidates, or (2) with some identifiable blocs of candidates. The first of these approaches is the more hazardous. In city elections, many half-serious or self-advertising candidates appear on the ballot. Many other candidates run but once and are often virtually unknown. While significant correlations may be found, it is difficult to interpret data resulting from such a polyglot source. Consequently, the second approach using identified blocs or slates of candidates, is preferable, as it provides a more reliable basis for correlation. It has been followed where possible. In order to make the analysis of the various slates meaningful, a brief synopsis of the political organization of each city is necessary. The cities will be called Alpha, Beta, Gamma and Delta.[4]

Alpha, at the time of our study, was governed by a seven-man council elected in a general election every two years. There was no primary to narrow the field. The person receiving the highest vote became mayor and the second highest vice-mayor. Elections were held in November of odd-numbered years and did not coincide with elections for state or national offices.

Of the four cities, Alpha's politics showed the greatest degree of organization and structure. The most effective political group was a self-selected, self-perpetuating organization of prominent businessmen which recruited, endorsed and financed the campaigns for a slate of candidates. It will be referred to here as the Citizen's Committee. The candidates of the committee were leading business and professional men. Some were officers in the city's largest firms. Most, but not all, of them were Republicans in national politics. All of the candidates endorsed during the period studied lived in four precincts. These were in the most prestigeful areas of the city. Financial support given by the Committee to its endorsees was substantial, amounting to as much as $15,000 in a single campaign. The objectives of this organization were general and did not constitute a combining of special interests of the members. Generally speaking, the orientation was consistent with traditional civic reform ideals.

Alpha was unique among the cities in that an organized opposition existed, albeit one lacking the continuity of the Citizen's Committee. During the ten-year period, two opposition slates were organized.

Considerations and a Case Analysis," *American Journal of Sociology,* Vol. 44 (1958), pp. 282–289.

[4] Most of the data used in this article are public information and if our findings were to stop here, there would be no useful purpose in masking the identity of the cities. However, much confidential information has been gathered for additional studies involving these cities.

Beta was governed by a nine-man council. There was a primary in which two residents of each of eight wards were nominated by their fellow residents. In the general election, held in November of odd years, the whole city voted on all of the pairs chosen in the primary. The mayor, who served as a member of the council, was both nominated and elected on a city-wide basis.

Like Alpha, Beta had a "Citizen's Committee" which performed a recruiting and endorsing function. But beyond these superficial similarities the actual performances of the two groups stood in sharp contrast. While the citizen's group in Alpha was select and self-selected, the Beta group was formally organized, with open membership and established rules of procedure. The Beta group membership, therefore, did not include as prestigeful a segment of the community, and its candidates were not as likely to be as important in the city's economic and social life. While the Alpha committee attempted, by sponsoring only a bare majority of candidates, to avoid the appearance of dominating the city council completely, the Beta group sought the same goal by recruiting at least two acceptable candidates for every position in contest. Partially for this reason, the Committee's endorsement was not prized by many of the candidates, for frequently the general election found two endorsees opposing each other. The last major difference between the Alpha and Beta groups was that the latter's campaign effort was confined to an election-eve newspaper advertisment. For this reason, its campaign support was extended in hundreds instead of the thousands of dollars spent in Alpha. In fact, virtually no money was spent by anyone in Beta municipal election campaigns.

Notwithstanding these differences, several similarities appeared between the Alpha and Beta "citizens' committees." Both groups were closely wedded to the ideals of the civic reform movement—efficiency, economy, nonpartisanship, and integrated administration. In both cities, the committees enjoyed a great deal of success, measured in terms of the number of endorsees elected. In Beta, the committee successfully supported seven out of nine candidates in four elections. In another, six out of nine of the committee's endorsees were elected. As the committee's campaign efforts were minimal, its success was probably a function of the degree to which its outlook reflected the dominant views in the community. If this assumption is correct, we would conclude that its influence was felt mainly in convincing reluctant individuals to become candidates for the council. Beta's Citizens' Committee was a loosely knit organization, but it enjoyed the advantage of monopoly: there was no other organized political group in local electoral politics.

Gamma had a system of election laws similar to Alpha's. The seven-man commission was elected at large. But in contrast to Alpha, a primary reduced the field to twice the number of offices to be filled. Terms were for four years, and three and four councilmen were chosen every two years. Municipal elections coincided with those for state and national offices. The mayor was chosen by the councilmen from their own membership; the office was customarily rotated every two years among the senior members.

There was no organized, consistent recruiting, and no campaign group operating as continuously as did those described for Alpha and Beta. The

Chamber of Commerce and organized labor supported slates sporadically, and both their efforts met with some success. The latter provided chiefly behind-the-scenes, word-of-mouth support. The Chamber and businessmen, on the other hand, supplied modest campaign funds to their endorsees. On two occasions, three incumbent councilmen banded together as a slate with business support. In accepting such a joint responsibility, they furnished the voters of Gamma in two elections with better-structured contests than existed in Beta at any time.

If we were to scale the three cities mentioned thus far for the degree to which voters could identify blocs of associated candidates, the order from top to bottom would be Alpha, Gamma, and Beta. On another scale, however, measuring the degree to which candidate recruitment was organized, Gamma would rate a poor third.

Several peculiarities of the greater Gamma metropolitan area deserve mention. Three satellite cities syphoned off the economic extremes in the population. Many low-income people, and especially low-income Negroes, lived in an independent industrial suburb; the wealthiest citizens lived in two independent residential suburbs. The economic span of the community was thus somewhat truncated. Furthermore, many neighborhoods within the core city generally could not be clearly identified on an income-group basis.

Delta was the only city in our study which had an unmodified ward system. Councilmen were both nominated in a primary and elected in a general election from nine wards. Elections were held in odd-numbered years, with the primary in February and the general election coinciding with the state-wide spring election in April. A mayor was elected on a city-wide basis, but the post was legally a weak one. He could vote at council meetings only in the case of a tie. During the period of our study he did not attempt to serve as a policy leader.

One major organized group engaged in electoral politics in Delta—the City Employees' Union. The Union recruited candidates and financed their campaigns. It contested only in those wards where chances for success seemed good, and was totally inactive in the two wealthiest and most Republican wards. In other wards, it mounted campaigns against councilmen who voted in a manner regarded as inimical to the Union. Efforts of the group were largely successful. It received financial support from its own treasury as well as from some local businessmen. Informants estimated the Union's investment in gaining control of two seats in one recent election variously between $3,000 and $12,000.

II

A simple correlation has been computed between the precinct votes for the "prevailing slates" in Alpha, Beta, and Gamma[5] and the Republican vote for governor in the preceding or following general election, on the assumption that a high correlation means Republican voter support of the slate. The results are shown in Table I, columns 1, 3, and 5. Statistically, a high correlation appears in each election, with the coefficient of correlation well above the value of chance at the 0.1 per cent level.

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[5] The term "prevailing slate" will be used in referring to the "citizens' committee" endorsees in each of the Alpha and Beta elections and to the groups of councilmen who banded together on two occasions in Gamma. The less successful blocs in Alpha will be called "opposition slates." The Delta Union slate does not lend itself to the following analysis because of the ward elections in that city.

At least two hypotheses are possible as explanations of the relationship. First, it may be that the political affiliation of slate sponsors is not easily hidden in cities of this size, and the voters simply characterized the slates according to the party of the sponsors and voted accordingly. Secondly, general political values and preferences (whether conditioned by income, social position, education or other influences) which mold the electorate into blocs supporting different political parties also furnish a meaningful basis for consensus in city politics for many citizens. If the first were true, that the slates were mere transparent appendages of a party, we would expect not only a high correlation, but a definite similarity in percentage votes for slates and parties. Less than complete coincidences in voting patterns would support the second hypothesis.

TABLE I. ALPHA, BETA, AND GAMMA: CORRELATION BETWEEN "PREVAILING SLATE" SUPPORT AND REPUBLICAN VOTE FOR GOVERNOR, BY PRECINCT PERCENTAGES; AND RESULTING SLOPE OF THE LEAST-SQUARES LINE

Year	Alpha			Beta*			Gamma		
	N	1 Pear-sonian r	2 Slope	N	3 Pear-sonian r	4 Slope	N	5 Pear-sonian r	6 Slope
1949	32	.928	.94	20	.777	.33			
1950							18	.919	.47
1951	32	.879	.62	20	.857	.26			
1952									
1953	32	.769	.52	20	.965	.37			
1954									
1955	32	.852	.72	20	.824	.23			
1956							21	.788	.26
1957	32	.832	.64	24	.847	.21			

N = No. of precincts.

*Beta Council elections are paired contests, consequently only those where an endorsed candidate was opposed by an unendorsed candidate are included.

Critical Values at .001

N		N	
18	.708	24	.652
20	.679	32	.554

The critical value represents the figure which could result from chance one time in 1000. Higher values could also result from chance, but even less often.

The parallels between the actual percentages for slate and party voting may be indicated by measuring the slope of the line summarizing the relationship between party support and slate support in all of the precincts in a given election. (Technically, this is called the *slope of the least-squares line.*) If voters in every precinct voted in the same proportion for Republican gubernatorial candidates and for all members of a slate, we would have a least-squares line rising at a forty-five degree angle, or having a slope of 1.00. (For each one per cent rise in Republican vote there would be a corresponding one per cent rise in slate support.)

Table I, columns 2, 4, and 6, gives the slopes for each of the correlation figures computed for columns 1, 3 and 5.[6] As can be seen, there is a great variation in the slopes. In all of the Beta elections, and in the one in Gamma in 1956, the slopes are indeed quite flat. These figures qualify considerably the correlations of columns 1, 3, and 5. For example, in 1956 in Gamma, for every four per cent rise in the Republican vote, there was only a one per cent rise in the support of the "prevailing slate." But, on the other hand, the slopes describing the Alpha elections range more steeply, thus reflecting more nearly the Republican percentages.

The calculations of the angles of the slopes lead us to reject the hypothesis that voters perceive the slates as adjuncts of national parties. The variations in slope are sufficient evidence. But these variations themselves invite explanation: What distinguished the elections at the extremes in Table I? In most cases it was the degree of competition which existed. The Alpha elections were intensely fought, with great expenditures of time, energy and money. As a result, Alpha citizens had a good opportunity to develop an image of the various candidates. In Gamma, votes were pursued somewhat less assiduously as measured by the expenditure of money and the amount of organizational effort. And in Beta, candidates did almost nothing to inform the voters about themselves or their intentions. Candidates with few exceptions refused to take positions on local issues. The mayoralty candidates did some campaigning, but councilmanic candidates did little or none.

This explanation of the differences in angle of slope can be further checked by looking at the variations within Alpha and Gamma. In spite of a paucity of incidents in Gamma, two examples do support the competition hypothesis. In the 1956 Gamma election the "prevailing slate" ran three candidates for the three positions to be filled. The most prominent opponent of the slate, an ex-councilman and labor leader, withdrew on the eve of the election because of poor health. This greatly-reduced voter choice of a competitive alternative is associated with both the lower correlation and the slope, as compared with 1950. In Alpha, the 1949 election found a full "opposition slate" in the field and the resulting competitive situation is shown by the extremely steep slope (.94).

An analysis of the city-wide mayoralty races in Beta and Delta gives further

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[6] The fact that the slopes are all below one indicates that the distribution of precincts is in every case dispersed over a wider range when measured by percentage of party support than when measured by percentage of slate support. This calculation may be influenced by the fact that we are comparing an individual election on one side to the average of a group of elections on the other.

TABLE II. BETA AND DELTA: CORRELATION OF PERCENTAGE OF VOTE BETWEEN WINNING MAYORALTY CANDIDATE AND REPUBLICAN VOTE FOR GOVERNOR, AND THE RESULTING SLOPE OF THE LEAST-SQUARES LINE

Year	Beta			Delta		
	No. of Precincts	Pearsonian r (1)	Slope (2)	No. of Wards	Pearsonian r (3)	Slope (4)
1949	20	.858	.70	9	.887	.73
1951	20	.891	.53	9	.803	.70
1953	20	.947	.83	9	.840	.80
1955	20	.912	.75	9	.699	.45
1957	24	.977	.75	9	.862	.50

supporting evidence to the competition hypothesis. The mayor is not popularly elected in Alpha and Gamma. In these races, again, the choices are simple and clear, and the honors of the office are enough to invite a contest between the candidates. Table II, columns 1 and 3, shows the coefficients of correlation between the vote for the successful candidates and the partisan vote for the Republican candidate for governor in the corresponding election. Columns 2 and 4 indicate the slope of the least-squares line. The resulting correlations are significant and the slopes generally range from .5 to .8. Thus, the competitive mayor's race in Beta stands in sharp contrast to the phlegmatic councilmanic races of that city.

So far the analysis has shown a significant correlation between votes for nonpartisan slates and party votes, even though at times the nonpartisan vote is more a dim reflection than an actual picture of the partisan voting pattern. However, there appear to be definite causative factors producing the relationship between the votes in the two political arenas. The more assiduously *issues* in the nonpartisan elections were pursued, the more the resulting vote conformed to the partisan pattern. If space permitted, we could, by describing each contest in terms of issues involved, demonstrate the truth of this last proposition. Of course, competition over issues could in theory also serve to *decrease* the relationship. We found one such instance: in Alpha in 1953 a full "opposition slate" comprised of conservative businessmen appeared on the ballot. The issue was one concerning municipal ownership of an electric power plant. It was a controversy with a long history in the city, and the business community was divided over it. In the ensuing election, the vote had a lower correlation with partisan voting than usual, though it was still significant. (Note the .769 correlation and the .52 slope in Table I.) This was the one exception we found. In all other contests, the more issue-oriented the campaign, the higher the correlation between nonpartisan and partisan voting patterns.

III

Up to this point we have concentrated on demonstrating that patterns of voting exist in nonpartisan elections. Attention to voter turnout figures can aid in analyzing the implications of these patterns for electoral dominance.

From other studies we know that non-voting in national elections is related to lower educational levels among citizens, to urban workers and hence, in most areas, to potentially Democratic voters. Little is known of municipal non-voting patterns, but we might infer from the partisan election evidence that Democrats, as compared to Republicans, would have a poor voting record in nonpartisan elections. The fact that the bread and butter issues of the laboring man are frequently a function of state and national, rather than local, partisan politics might further deter Democrats from voting in municipal elections.

Table III shows the rank order correlations by precinct in Alpha, Beta and Gamma and by ward in Delta between local voting and Republican strength.[7] Local voter participation is measured by taking the total municipal vote in each precinct or ward as a per cent of the total vote for governor in the corresponding partisan election. Republican strength refers to the percentage received by the Republican candidate for governor. The resulting correlations show that only in Alpha and Gamma is our hypothesis about Democrats as local non-voters borne out. However, even in these two cities the effect of the apathetic Democrats upon the outcome of municipal elections is probably not the same.

Just as Table I showed a correlation of support of the "prevailing slate" with Republican votes in Alpha and Gamma, so here we see a correlation between voter turnout and Republican strength. Consequently, the voting-non-voting distribution appears to favor the slates. In strongly Republican Alpha this non-voting pattern probably does not affect the outcome of elections, but in a competitive city (in partisan politics) such as Gamma the implications are more important. If the Democrats in Gamma who failed to vote in the city elections had cast their ballots in the same manner as the Democrats who did vote, the outcome of the elections would have differed considerably. As it was, predominantly Republican precincts gained their preference among city candidates much more frequently than did the Democratic precincts.[8]

Gamma elects three and four councilmen in alternating elections every two years. Totalling the results of five consecutive elections, Republican precincts (measured by the vote for governor on the same day) saw their top three choices elected thirty times, while only fourteen Democratic precincts were equally successful. Twenty-two Democratic precincts had one or none of their choices

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[7] In the previous analysis a simple coefficient of correlations was computed because of the necessity of determining the slope. In addition, the hypothesis implied a straight linear relationship. In this case the easier-to-compute rank order correlation, with its curvilinear assumptions, is adequate to indicate higher and lower orders of relationship.

[8] These calculations are based upon precinct data. Conceivably it is the Republican voters in predominantly Democratic precincts who constitute a large percentage of the non-voters, but this is statistically unlikely. Our analysis is subject to a second qualification. The correlation figures could be affected by "plunking," *i.e.*, the practice of voting for less than the maximum allowable number of candidates. If plunking were more characteristic of Democratic precincts, the correlations would be reduced. But plunking is a technique of minorities, or shows a voter's lack of knowledge about candidates. In either case it is a functional equivalent of non-voting. It shows a disassociation from local politics by large numbers of Democratic voters.

TABLE III. ALPHA, BETA, GAMMA, DELTA: RANK ORDER CORRELATION OF PRECINCTS BETWEEN REPUBLICAN STRENGTH AND LOCAL VOTER PARTICIPATION*

Year†	Alpha (1)		Beta (2)		Gamma (City Primary) (3)		Gamma (City General) (4)		Delta (5)	
		N		N		N		N		N
1949	.541	32	.3150	19	.700	16	.708	16	−.5062	9
1951	.614	32	.6765	20	#		.670	18	−.6708	9
1953	.762	32	.1594	20	.731	20	.682	20	.1029	9
1955	.731	32	.1227	20	.754	20	.757	20	−.5845	9
1957	.687	31	.4729	23	.807	21	.797	21	−.4500	9

* Local participation totals are not exactly comparable between cities. Alpha is based on actual total ballots cast, Beta and Delta on total vote for mayoral candidates, and Gamma on average vote for councilmanic races.

† 1948, 1950, 1952, 1954, 1956, in Gamma.

# Data not comparable because of precinct boundary changes.

CRITICAL VALUES

N	5%	1%
9	.600	.783
16	.425	.601
18	.399	.564
20	.377	.534
22	.359	.508
30	.306	.432
32	.295	.417

elected, while no Republican precinct was so unfortunate. During this same period, the Democratic candidate for governor won 51 precincts while the Republican candidate won only 43. Much of the failure of the precincts oriented toward the Democratic party to gain their choice must be attributed to non-voting. The extent to which the nonpartisan ballot contributes to this non-voting pattern cannot be conclusively established by the present data. However, the inference is strong that more local votes would have been forthcoming from Democratic precincts if these offices had been tied to the party ballot. Local voting participation as a percentage of partisan voting was 1.6 times greater in the top quartile of Republican precincts than it was in the top quartile of Democratic precincts in the five elections.

While Table III does not show Beta substantiating the hypotheses concerning association of Democratic and local non-voting patterns, one modification in the analysis brings this city into line with Alpha and Gamma. When the four strongest Polish precincts are omitted, the correlations jump from .1227 to .710 in 1955 and from .4729 to .744 in 1957.[9] Ethnicity in this city stands as a qualification to our hypothesis. But it must be remembered that Beta's elections were not intensely competitive, issues were rarely exploited, and the dependence upon name identification might thereby have been maximized. The status strivings of a reasonably compact ethnic group and its desire for representation on the council might be articulated to a greater extent in the absence of other types of divisive forces in the electoral process.

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[9] A precinct boundary map was unavailable for the earlier elections, forcing a restriction of this analysis to the two years. The coefficients of correlation are significant at the one per cent level.

Delta poses the most serious difficulty for the hypothesis in question. Its Democratic precincts had a superior voting record as compared with the Republican. The Delta council was elected by wards and an active city employees' union strongly influenced the elections. The union concentrated its efforts in the Democratic wards where, indeed, the crucial elections for control of the council always took place. By contrast the councilmen from the Republican wards had long tenure and there were few interest-provoking contests. Even when there was no contest in the Democratic wards, there was a relatively high turnout. Perhaps this indicated a habituation to participation in local affairs. Labor unions have long claimed that ward politics and ward elections stimulate greater political interest among their members than do city-wide elections. The Delta situation gives supporting evidence to their claims.

Our hypothesis that Democrats would be least inclined to participate in local nonpartisan elections, while having some general validity in the four cities, must stand as a qualified generalization at best. Voter turnout seems to be related to ethnicity, whether councilmen are elected by wards or at large, to the degree to which voters regard themselves as having a meaningful stake in the election, and probably to other factors. The narrowness of our sample suggests that we should report our findings only as case studies. Non-voting at the local level seems to be a matter requiring multivariate analysis.

IV

Thus far electoral dominance has been analyzed in terms of slate-party correlations and patterns of non-voting. The data admit of one other analytical approach. In city-wide elections, where the voters choose from a large field of candidates, consensus within a group should increase its political power in comparison with other groups which scatter their support. We made an inquiry as to whether the Democratic or Republican precincts displayed greater agreement in selecting candidates. As Beta and Delta nominated by wards, this analysis had to be confined to Alpha and Gamma.

The top quartile of Democratic and Republican precincts, as determined by gubernatorial votes, were analyzed for consensus in choosing nonpartisan city candidates. The statistical tool employed was an *analysis of variance of ranked data.* (See Table IV.) According to this measure, a larger positive variance ratio (columns 1 and 3) indicates greater agreement displayed by Republicans in comparison to Democrats. A negative figure indicates the reverse. The critical value columns indicate that the distribution at the one percent level could result from chance only once in 100 times.

While the relationships were not uniform, there was a greater tendency for the Republicans to be more agreed in candidate selection. Just why this should be true is an interesting matter for speculation. It may be that the lines of communications through such community organizations as the service clubs, chest drives, chambers of commerce and business associations enable the Republicans to reach informal agreements not possible for the bulk of Democratic voters. Certainly, Democratic industrial workers have fewer functionally equivalent institutions through which to develop such consensus. It is also possible that consensus is partially a function of awareness of interests at stake on the part of groups in the community.

Perhaps the more provocative information in Table IV, however, concerns the difference between the two cities. Two facts might explain the relatively greater Republican consensus in Alpha: (1) Slating was more continuous and established in Alpha. (2) Gamma had a primary election and Alpha did not. In Alpha, sometimes twenty or more candidates ran for seven positions. In Gamma a primary limited the general election to twice as many candidates as there were positions. This often meant in fact three incumbents against three challengers. The alternatives were at least simple in a numerical sense. The Alpha Democratic precincts seemed to scatter their votes badly. Despite the presence of some appealing candidates, their votes often were spent on ethnic names and neighborhood favorites. This suggests that the communication net of a middle-size city may be such as to affect quite differentially the political power of various groups in an election involving a large field of candidates.

TABLE IV. ALPHA, GAMMA: DEGREE OF AGREEMENT IN RANKING CANDIDATES BETWEEN TOP QUARTILES OF DEMOCRATIC AND REPUBLICAN PRECINCTS

Election Number	Alpha Variance Ratio (F)	Critical Value 1%	Gamma Variance Ratio (F)	Critical Value 1%	Critical Value 5%
1	2.709	1.59	−1.433	4.16	2.69
2	1.163	1.74	2.386	2.52	1.91
3	4.620	1.59	3.124	3.29	2.29
4	5.366	1.60	1.107	2.52	1.91
5	2.995	1.60	3.545	3.56	2.43

(Analysis of variance of ranked data.)

V

What are the implications of this study for that part of the nonpartisan rationale which is based upon the insulation of local politics? Let us review the assumptions: (1) local voting will be based upon local issues; and (2) the division in local voting will not merely parallel divisions of voters between national patterns. Our findings in the four cities show that voting for nonpartisan slates was analogous to, but not the same as, that for the political parties. But the similarity of voting patterns in the two political arenas casts doubt on their complete separability. The results gave the further indication that the correlation between slate and party voting increased as the local slate competition became keener and as issues were better advertised and more sharply delineated.

The fact that the correlations between slate and party voting were not perfect made necessary further analysis. We sought to determine the effects of the partial correlations upon control of elected offices in these cities. In the three at-large cities, the areas that normally voted Republican had better turnout records for local nonpartisan elections. These areas, thus, had a disproportionate voice in the selection of municipal officials. The lack of Democratic attraction to the local contest was particularly well dramatized in Gamma, where more Democrats than Republicans cast aside their municipal ballot in elections where partisan and nonpartisan elections were simultaneous. The fact that there appeared to be no "coat-tailing" probably aided the Republican voters. In Delta, which elected all councilmen by wards, the Democratic precincts had a good local voting record. But Delta also had a Democratic-oriented organization and the question remains whether the ward system encouraged this kind of voting pattern or whether it is explained in terms of the Union's activities.

The strength of Republican voters in the nonpartisan elections was further augmented by their greater degree of consensus in choosing among the candidates. This phenomenon may be a function of the local communication net which includes the entire local business and professional leadership. The blue collar trades people apparently are apt to be primarily dependent on neighborhood acquaintanceships or other sources which fail to build comparable city-wide consensus.

However, the impression should not be given that the nonpartisan ballot is merely a device favoring Republicans. It permits the recruitment of Democrats for elective posts in strongly Republican cities. Several known Democrats won nonpartisan city elections during our study period in cities where no Democrat has carried a local partisan race within living memory.[10] Obviously, the nonpartisan ballot does blunt partisan voting and consequently minority party members are aided in one-party cities. As to the impartiality of the nonpartisan ballot, it appears from this study that in cities closely divided between Democrats and Republicans, a nonpartisan and at-large election leads to an increased voice in local affairs for persons who normally vote Republican.

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[10] See G. W. Pearson, "Prediction in a Non-Partisan Election," *Public Opinion Quarterly*, Vol. 12 (Spring, 1948), p. 115, in which it was reported that in a nonpartisan election poll, Denver voters were not influenced in their choices by knowledge of the candidates' political affiliation.

THE FOLKWAYS OF THE UNITED STATES SENATE: CONFORMITY TO GROUP NORMS AND LEGISLATIVE EFFECTIVENESS*

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The Senate of the United States, we are told, is a "club." The image, while hopelessly imprecise and occasionally quite misleading, does have at least one advantage: it underscores the fact that there are unwritten but generally accepted and informally enforced norms of conduct in the chamber. These folkways influence the behavior of senators to a degree and in directions not yet fully understood. "There is great pressure for conformity in the Senate," one member (mercifully varying the simile) has recently said. "It's just like living in a small town." And, as in small-town life, so too in the Senate there are occasional careers to be made out of deliberate nonconformity, sometimes only skin-deep, but sometimes quite thorough-going.

Political scientists know this in a general way. But, judging from the dearth of literature on the subject, they have deemed legislative folkways either unworthy of their attention or beyond their analytic powers.[1] Journalists and legislators—close observers and participants—are acutely aware of their importance, and have written about the Senate's folkways. While some of their efforts have shown real insight,[2] most such writings merely reaffirm the existence of the norms without telling us what they are about. Thus, most of the basic questions about the folkways of the Senate, and other legislative bodies, remain unanswered. What, specifically, do the unwritten rules say? Why do they exist? In what ways do they influence the behavior of senators? How, concretely, are they enforced? What kinds of senators obey the folkways? Which ones do not, and why? What are the political consequences of the folkways?

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[1] The most significant recent exceptions are R. K. Huitt, "The Morse Committee Assignment Controversy: A Study in Senate Norms," this REVIEW, Vol. 51 (June, 1957), pp. 313–329; C. Melnik and N. Leites, *The House Without Windows* (Evanston: Row, Peterson, 1958); C. E. Gilbert, *Problems of a Senator: A Study of Legislative Behavior,* unpublished Ph.D. thesis, Northwestern University, 1955.

[2] The best of these is W. S. White, *Citadel: The Story of the U.S. Senate* (New York, 1957) but see also the same author's *The Taft Story* (New York, 1954); Jerry Voorhis, *Confessions of a Congressman* (Garden City, 1947); John F. Kennedy, *Profiles in Courage* (New York, 1956), ch. 1; G. W. Pepper, *In the Senate* (Philadelphia: University of Pennsylvania Press, 1930).

These are difficult questions for an outsider to analyze. Only those who have served in the Senate—and perhaps not even all of them—are likely to grasp the folkways in all their complexity. Yet, if we are ever to understand the behavior of legislators, a beginning must be made in the systematic analysis of the subject. This article, based on several months of close personal observation and interviewing of senators, congressional staff members, lobbyists and Capitol Hill journalists, is such an attempt.[3]

I. APPRENTICESHIP

The first rule of Senate behavior—and the one most widely recognized off the Hill—is that new members are expected to serve an unobtrusive apprenticeship.

The freshman senator's subordinate status is impressed upon him in many ways. He receives the committee assignments the other senators do not want. The same is true of his office suite and his seat in the chamber. In committee rooms he is assigned to the end of the table. He is expected to do more than his share of the thankless and boring tasks of the Senate, such as presiding over the floor debate or serving on his party's Calendar Committee. According to the folkways of the Senate, the freshman is to accept such treatment as a matter of course.

Moreover, the new senator is expected to keep his mouth shut, not to take the lead in floor fights, to listen and to learn. "Like children," one freshman said in the Capitol Hill cliché, "we should be seen and not heard." Just how long this often painful silence must be maintained is not clear, but it is certainly wiser for a freshman to postpone his maiden efforts on the floor too long than to appear overly aggressive. Ideally perhaps, he should wait until pushed reluctantly to the fore.

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[3] Most of the interviews were conducted in Washington between January and September, 1956. A few follow-up interviews were held during 1958. While the senators, staff members, lobbyists and journalists interviewed were in no sense "samples" of these groups, a strenuous and generally successful effort was made to interview rough cross sections of each. On the whole, however, high rapport was deemed more desirable, given the exploratory nature of the study, than a highly "representative" but uncommunicative group of respondents.

The interviews were of the "focused" type. No formal interview schedule was used, but standardized topics were raised in each interview as time allowed. The interviews varied in length from about 15 minutes to several hours. Notes were not taken during the course of the interview but were written up immediately thereafter as nearly verbatim as possible. All quotations not otherwise cited are from these interviews; when not otherwise indicated in the text the quotations are from an interview with a past or present member of the Senate. All respondents were assured that their remarks would not be attributed to them.

Readers of this REVIEW need not be told that these interviewing procedures are far from ideal. But even if feasible on Capitol Hill, systematic surveys, using highly structured interviews and a representative sample of respondents, are most fruitful when variables are well identified and when all types of respondents are likely to be equally cooperative. Neither condition held in this case. This suggested that greater pay-offs might be achieved by the less rigorous interviewing methods used.

> I attended the floor debates and voted for a year without giving a single speech [a senior senator said with pride]. Finally, one day, a matter came up with which I had had considerable experience in the House. My part in it had gotten some publicity. ——— leaned over to me and said, "——— , are you going to speak on this?" I said, "No." "You know a great deal about this," he replied, "I think you should speak." I answered that I had not prepared a speech and that I would rather not speak on the bill. "Look," he said, "I'm going to get the floor and ask you a question about this bill. Then you will *have* to speak!" And that's how I made my first speech in the Senate.

Freshmen are also expected to show respect for their elders ("You may think you are smarter than the older fellows, but after a time you find that this is not true") and to seek their advice ("Keep on asking for advice, boy," the committee chairman told me. "That's the way to get ahead around here"). And they are encouraged to concentrate on developing an acquaintanceship in the Senate. ("Young senators should make a point of getting to know the other senators. This isn't very hard: there are only 95 of them. And if the other senators know and like you, it increases your effectiveness.")

The freshman who does not accept his lot as a temporary but very real second-class senator is met with thinly veiled hostility. For instance, one old-timer tells this story:

> When I came to the Senate, I sat next to Senator Borah. A few months later, he had a birthday. A number of the older men got up and made brief, laudatory speeches about it. Borah was pleased. Then a freshman senator—one who had only been in the chamber three or four months—got to his feet and started on a similar eulogy. He was an excellent speaker. But between each of his laudatory references to Borah, Borah loudly whispered, "That son-of-a-bitch, that son-of-a-bitch." He didn't dislike the speaker, personally. He just didn't feel that he should speak so soon.

Even so, the veterans in the Senate remark, rather wistfully, that the practice of serving an apprenticeship is on the way out. And, to some extent, they are undoubtedly correct. The practice seems to have begun before the popular election of senators and the exigencies of the popularly elected official have placed it under considerable strain. As one very senior senator (whose service extends back almost to the days before popular election) ruefully explained: "A new senator today represents millions of people. He feels that he has to *do* something to make a record from the start."

But this judgment is also colored by the tendency in any group for the old-timers to feel that the younger generation is going to hell in a handbasket. To the present-day freshman in the Senate, the period of apprenticeship is very real and very confining. "It reminds me a little of Hell Week in college," one of them remarked. Indeed, the nostalgic talk of the older senators about the unhappy lot of the freshman in the good old days is one way the senior senators keep the younger men in their place. One freshman Democrat, for example, after completing a floor speech found himself sitting next to Senator George, then dean of the Senate. Thinking that he should make polite conversation, the freshman asked the Georgia patriarch what major changes had taken place in the Senate during his long service. Senator George replied, "Freshmen didn't use to talk so much."

II. LEGISLATIVE WORK

> There are two kinds of Congressmen—show horses and work horses. If you want to get your name in the paper, be a show horse. If you want to gain the respect of your colleagues, keep quiet and be a work horse.[4]

Senator Carl Hayden of Arizona remembers being told this when he first came to the Congress many years ago. It is still true.

The great bulk of the Senate's work is highly detailed, dull and politically unrewarding. According to the folkways of the Senate, it is to these tasks that a senator *ought* to devote a major share of his time, energy and thought. Those who follow this rule are the senators most respected by their colleagues. Those who do not carry their share of the legislative burden or who appear to subordinate this responsibility to a quest for publicity and personal advancement are held in disdain.

This results in an, at first, puzzling disparity between the prestige of senators inside and outside the Senate. Some of the men most highly respected by their peers are quite unknown except on the Hill and in their own states; others whose names are household words are thought to be second-raters and slackers.[5] The words used to describe those senators who seem to slight their legislative duties are harsh—"grandstanders," "demagogues," "headline hunters," "publicity-seekers," "messiahs." They are said to do nothing but "play to the galleries," to suffer from "laziness" and "verbal diarrhea" and "not to be team players." It is even occasionally hinted that they are mentally or emotionally deranged.

But this does not mean that all publicity is undesirable. It takes publicity to get, and stay, elected. And this publicity, so long as it does not interfere with the performance of legislative duties, is considered necessary and desirable. Nor is there any objection to publicity calculated to further the cause of a program or policy; or to publicity which flows from a senator's position or performance. But the Senate folkways do prescribe that a senator place first priority upon being a *legislator*. Everything else, including his understandable desire for personal and political publicity, must be secondary to this aspect of his job.

III. SPECIALIZATION

According to the folkways of the Senate, a senator should not try to know something about every bill that comes before the chamber or try to be active on a wide variety of measures. Rather, he ought to specialize, to focus his energies and attention on the relatively few matters that come before his committees or that directly and immediately affect this state. "When you come to the Senate," one administrative assistant said, "you have to decide which street corner you are going to fight on."

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[4] *Washington Post and Times Herald*, February 19, 1956.

[5] *Cf.* Harry S. Truman's comments: "I learned [upon entering the Senate] . . . that the estimates of the various members which I formed in advance were not always accurate. I soon found that, among my ninety-five colleagues, the real business of the Senate was carried on by unassuming and conscientious men, not by those who managed to get the most publicity." *New York Times*, October 3, 1955.

In part, at least, senators *ought* to specialize because they *must:* "Thousands of bills come before the Senate each Congress. If some senator knows the fine details of more than half a dozen of them, I've never heard of him." Even Robert A. Taft, who won much of his legislative reputation by his phenomenal mastery of the details of bills on the floor could not escape the rule, and generally let foreign affairs alone. And even when a senator restricts his attention to his committee work, the job is more than one man can do.

> I belong to 12 or 13 committees and subcommittees [one vigorous, young senator says]. It's physically impossible to give them all the attention I should. So I have picked out 2 or 3 subcommittees in which I am especially interested and have concentrated on them. I believe that this is the usual practice around here.

The relatively few senators who have refused to specialize agree. One of these, a relatively young man of awesome energy, says:

> I'll be perfectly frank with you. Being active on as wide a range of issues as I have been is a man-killing job. In a few years, I suspect that I will be active on many fewer issues. I came down here a young man and I'm gradually petering out.

But the limits of human endurance are not the only reason why a senator should specialize. By restricting his attention to matters concerning his committee work and his home state, the senator is concentrating on the two things he should know best: "a senator should not make a speech unless he has someing to say." Only through specialization can he know more about a subject than his colleagues and thus make a positive contribution to the operation of the chamber.

Moreover, speaking too much tends to decrease a senator's legislative impact. "Look at ———," one of them said. "He came in here with his mouth open and hasn't closed it yet. After a while, people stop listening." Furthermore, a senator who is too active outside of his specialty may destroy his influence within his area of special competence.

> When ———, one of my best friends in the Senate, came here he was known as an expert on ———, and they used to listen to him as such. But then he began talking on many other different issues as well. He was somehow driven to express himself on many different issues. As a result, he lost some of his effectiveness on ——— matters as well as on the other issues to which he addressed himself.

Thus, almost all the senators are agreed that:

> The really effective senators are those who speak only on the subjects they have been dealing with at close quarters, not those who are on their feet on almost every subject all the time.[6]

Why this pressure for specialization? Why does this folkway exist? Two chief reasons may be suggested. The formal rules of the Senate provide for what amounts to unlimited debate. Even with the folkways limiting the activity of freshmen, discouraging "playing the galleries," and encouraging specialization, the Senate moves with glacial speed. If many more senators took full advantage of their opportunities for debate and discussion, the tempo of action would be further slowed. The specialization folkway helps make it possible for the Senate to stop talking and act.

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[6] *Providence* (R.I.) *Evening Journal,* February 8, 1956.

Moreover, modern legislation is complex and technical. It comes before the Senate in crushing quantity. The committee system and specialization—in a word, a division of labor within the chamber—increase expertise and decrease the average senator's work load to something approaching manageable proportions. When a senator refuses to "go along" with specialization, he not only challenges the existing power structure, but also decreases the expert attention which legislative measures receive.

IV. COURTESY

The Senate exists to solve problems, to grapple with conflicts. Sooner or later, the hot, emotion-laden issues of our time come before it. Moreover, senators as a group are ambitious and egocentric men, chosen through an electoral battle in which a talent for invective, righteous indignation, "mud-slinging" and "engaging in personalities" are often assets. Under these circumstances, one might reasonably expect a great deal of manifest personal conflict and competition in the Senate. Such conflict does exist, but its sharp edges are blunted by the felt need—expressed in the Senate folkways—for courtesy.

A cardinal rule of Senate behavior is that political disagreements should not influence personal feelings. This is not an easy task; for as one senator said, "It's hard not to call a man a liar when you know that he is one."

Fortunately, a number of the chamber's formal rules and conventions make it possible for the senator to approximate this ideal—at least so far as overt behavior is concerned. The selection of committee members and chairmen on the basis of their seniority neatly by-passes a potential cause of grave dissension in the Senate.[7] The rules prohibit the questioning of a colleague's motives or the criticism of another state. All remarks made on the floor are, technically, addressed to the presiding officer: "Mr. President, . . . " serves as a psychological barrier between antagonists. Senators are expected to address each other not by name but by title—Earle C. Clements does not disagree with Irving M. Ives but rather the Senior Senator from Kentucky disagrees with the Senior Senator from New York.

Sometimes the senators' efforts to achieve verbal impersonality become ludicrous in their stilted formality:

> Mr. JOHNSON of Texas. The Senator from Texas does not have any objection, and the Senator from Texas wishes the Senator from California to know that the Senator from Texas knew the Senator from California did not criticise him . . . [8]

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[7] See George Goodwin, Jr., "The Seniority System in Congress," this REVIEW, Vol. 53 (June, 1959), pp. 412–436.

[8] *Congressional Record*, April 24, 1956, p. 6148. References here and herein are to the daily edition.

Few opportunities to praise a colleague publicly are missed in the Senate. Senators habitually refer to each other as "The distinguished Senator from ———" or "The able Senator from ———." Birthdays, anniversaries, re-election or retirement from the Senate, and the approach of adjournment are seized as opportunities for swapping praises. Sometimes, on these occasions, the sentiment is as thick as Senate bean soup. The following recent example was uttered on the Senate floor and duly printed in the *Record:*

> Mr. JOHNSON of Texas. Mr. President, if the Senate will indulge me, I should like the attention of members of both sides of the aisle for a bipartisan announcement of considerable importance. It involves the minority leader, the distinguished Senator from California (Mr. KNOWLAND).
>
> For many years, I have been closely associated with the Senator from California. Like every member of this chamber—on either side of the aisle—I have found him to be able, patriotic, courteous, and thoughtful.
>
> But I wonder how many of my colleagues know that he is also a five-time winner in the contest for the proudest grandaddy in the Senate?
>
> His fifth victory was chalked up last Monday when Harold W. Jewett II discovered America. Anybody who has found buttons lying on the floor in front of the minority leader's desk in the past few days can know now that they popped right off BILL KNOWLAND'S shirt.[9]

This kind of behavior—avoiding personal attacks on colleagues, striving for impersonality by divorcing the self from the office, "buttering-up" the opposition by extending unsolicited compliments—is thought by the senators to pay off in legislative results.[10] Personal attacks, unnecessary unpleasantness, pursuing a line of thought or action that might embarrass a colleague needlessly, are all thought to be self-defeating—"after all, your enemies on one issue may be your friends on the next." Similar considerations also suggest the undesirability of excessive partisanship.

> I want to be able to pick up votes from the other side of the aisle [one Republican said]. I hope that a majority of the Republicans will vote for anything I sponsor. But always some of them are going to have special problems that impel them to vote against the party.

They also suggest, despite partisan differences, that one senator should hesitate to campaign against another.

> The fellows who go around the country demagoguing and calling their fellow senators names are likely to be ineffective senators. It's just human nature that the other senators will not cooperate with them unless they have to.

In private, senators are frequently cynical about this courtesy. They say that "it doesn't mean a thing," that it is "every man for himself in the Senate," that some of their colleagues "no more should be senators than I should be Pope," that it is "just custom." Senator Barkley's advice to the freshman senator—if you think a colleague stupid, refer to him as "the able, learned and distinguished senator," but if you *know* he is stupid, refer to him as "the *very* able, learned, and distinguished senator"—is often quoted.[11] But despite its blatant hypocrisy, the practice persists. And after serving in the Senate for a period of years most senators grow to appreciate it.

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[9] *Ibid.*, June 13, 1956, pp. 9147–8.

[10] *Cf. ibid.*, June 11, 1956, p. 8990:

> Mr. HILL. Mr. President, although I greatly love the Senator from Illinois, and although he has been very generous toward me in his remarks on the bill—
>
> Mr. DOUGLAS. I had hoped I would soften up the Senator from Alabama. (Laughter).

> I well remember [one Republican says] that early in my service I gave a burlesque touch to this formal courtesy. A little later Senator Alben Barkley, then Democratic floor leader, came over and gently suggested that the longer I stayed in the Senate, the more I would appreciate Senatorial Courtesy. Senator Barkley was correct in his prediction.[12]

Another senator explained:

> You quickly discover that political self-preservation dictates at least a semblance of friendship. And then before you know it, you really *are* friends. It is rather like the friendships that might develop within a band of outlaws. You all hang together or you all hang separately.

Courtesy, far from being a meaningless custom as some senators seem to think it is, permits competitors to cooperate. The chaos which ensues when the folkway is ignored testifies to its vital function.

V. RECIPROCITY

Every senator, at one time or another, is in a position to help out a colleague. The folkways of the Senate hold that a senator ought to provide this assistance—and that he be repaid in kind.

> A man gets elected to the Senate on some kind of platform. He has made some promises or pledges that he will get this or that thing done. Then he gets down here and finds that nobody else gives a damn about his projects. What can he do? He either must back down on his promises or begin log-rolling. At first, I was pretty cynical when I found this was necessary. But then I realized that this was the kind of compromise necessary to govern a nation like this.

The most important aspect of this pattern of reciprocity is, no doubt, the trading of votes. Occasionally, this is exhibited for all to see. The following exchange, for example, took place during a 1956 debate on acreage allotments for burley tobacco:

> Mr. LANGER [North Dakota]. We do not raise any tobacco in North Dakota, but we are interested in the tobacco situation in Kentucky, and I hope the Senator will support us in securing assistance for the wheat growers in our state.
> Mr. CLEMENTS [Kentucky]. I think the Senator will find that my support will be 100 per cent.
> Mr. BARKLEY [Kentucky]. Mr. President, will my colleague from Kentucky yield?
> Mr. CLEMENTS. I yield.
> Mr. BARKLEY. The colloquy just had confirms and justifies the Woodrow Wilsonian doctrine of open covenants openly arrived at. (Laughter).[13]

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[11] Alben W. Barkley, *That Reminds Me* (Garden City, 1954), p. 255.

[12] Ralph E. Flanders, "What Ails the Senate?" *The New York Times Magazine*, May 9, 1954, p. 62.

[13] *Congressional Record* February 16, 1956, pp. 2300–01.

Usually, however, this kind of bargain is either made by implication or in private. Senator Douglas of Illinois, who tried unsuccessfully to combat the system, has analysed the way in which a public works appropriations bill is passed:

> . . . This bill is built up out of a whole system of mutual accommodations in which the favors are widely distributed, with the implicit promise that no one will kick over the applecart; that if Senators do not object to the bill as a whole, they will "get theirs." It is a process, if I may use an inelegant expression, of mutual backscratching and mutual logrolling.
>
> Any member who tries to buck the system is only confronted with an impossible amount of work in trying to ascertain the relative merits of a given project; and any member who does ascertain them, and who feels convinced that he is correct, is unable to get an individual project turned down because the Senators from the State in which the project is located, and thus is benefiting, naturally will oppose any objection to the project; and the other members of the Senate will feel that they must support the Senators in question, because if they do not do so, similar appropriations for their own states at some time likely will be called into question.[14]

Of course, *all* bills are not passed as the result of such implicit or explicit "deals."

On the other hand, this kind of bargaining (or "logrolling" or "backscratching" or "trading off"—phrases with pejorative connotations indicating the public's attitude toward these practices) is not confined to the trading of votes. Indeed, it is no exaggeration to say that reciprocity is a way of life in the Senate

> My boss [one highly experienced administrative assistant says] will—if it doesn't mean anything to him—do a favor for any other senator. It doesn't matter *who* he is. It's not a matter of friendship, it's just a matter of I won't be an S.O.B. if you won't be one.

This implicit bargain explains much of the behavior of senators. Each of them has vast power under the chamber's rules. A single senator, for example, can slow the Senate almost to a halt by systematically objecting to all unanimous consent requests. A few, by exercising their right to filibuster, can block the passage of all bills. Or a single senator could sneak almost any piece of legislation through the chamber by acting when floor attendance is sparse and by taking advantage of the looseness of the chamber rules. But while these and other similar powers always exist as a potential threat, the amazing thing to the outside observer is that they are rarely utilized. The spirit of reciprocity results in much, if not most, of the senators' actual power not being exercised. For if a senator *does* push his formal powers to the limit, he has broken the implicit bargain and can expect, not cooperation from his colleagues, but only retaliation in kind.

> A man in the Senate has just as much power as he has the sense to use. For this very reason he has to be careful to use it properly or else he will incur the wrath of his colleagues.

To play this game properly and effectively requires tolerance and an understanding of the often unique problems and divergent views of other senators.

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[14] *Ibid.*, June 13, 1956, p. 9153.

> No man [one highly placed staff assistant says] can really be successful in the Senate until he has adopted a *national* point of view. Learning what the other senators' problems are and working within this framework to pass legislation gives him this outlook. If he assumes that everyone thinks and feels the same way he and his constituents do, he will be an ineffective legislator.

It demands, too, an ability to calculate how much "credit" a senator builds up with a colleague by doing him a favor or "going along." For if a senator expects too little in return, he has sold himself and his constituents short. If he expects too much, he will soon find that to ask the impossible is fruitless and that "there are some things a senator just can't do in return for help from you." Finally, this mode of procedure requires that a senator live up to his end of the bargain—no matter how implicit the bargain may have been. "You don't *have* to make these commitments," one senator said, "and if you keep your mouth shut you are often better off; but if you *do* make them, you had better live up to them."

These are subtle skills. Some men do not have them in sufficient quantity to be successful at this sort of bargaining. A few take the view that these practices are immoral and refuse, with some display of righteous indignation, to play the game that way. But this, according to the Senate folkways, is the way a senator *ought* to behave.

VI. INSTITUTIONAL PATRIOTISM

Most institutions demand an emotional investment from their members. The Senate is no exception. Senators are expected to *believe* that they belong to the greatest legislative and deliberative body in the world. They are expected to be a bit suspicious of the President and the bureaucrats and just a little disdainful of the House. They are expected to revere the Senate's personnel, organization and folkways and to champion them to the outside world.

And most of them do, whether out of conviction or for the good of the order. "The most remarkable group that I have ever met anywhere," "the most able and intelligent body of men that it . . . [has] . . . been my fortune to meet," "the best men in political life today,": thus do senators typically describe their colleagues.[15] The Senate as an institution is usually described in similar superlatives.[16]

A senator whose emotional commitment to Senate ways appears to be less than total is suspect. One who brings the Senate as an institution or senators as a class into public disrepute invites his own destruction as an effective legislator. One who seems to be using the Senate for the purposes of self-advertisement and advancement obviously does not belong. Senators are, as a group, fiercely protective of and highly patriotic about the Senate.

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[15] William Benton, "For Distinguished Service in Congress," *The New York Times Magazine*, July 24, 1955, p. 38; Ralph E. Flanders, *op. cit.*, p. 13.

[16] This "institutional patriotism" extends down to the staff level. For example, one staff member said in the course of an interview:

> I'm an apologist for the Senate and senators. When I came here I thought just like the normal academic "liberal" that the Senate was bumbling and incompetent, that senators were strictly from Kokomo and that if you wanted something done you had to go to the Executive Branch. Well, all that is a lot of stuff. It's just not true.

This, after all, is not a great deal different from the school spirit of P.S. 34, or the morale of a military outfit, or the "fight" of a football team. But, as we shall see, its political consequences are substantial. For some senators are in a better position than others to develop this emotional attachment.

VII. INFLUENCES ON CONFORMITY

We have seen that normative rules of conduct—called here folkways—exist in the Senate. Moreover, we have seen that they perform important functions.[17] They provide motivation for the performance of legislative duties that, perhaps, would not otherwise be performed. They discourage long-windedness in a chamber of one hundred highly verbal men, dependent upon publicity, and unrestrained by any formal limitations on debate. They encourage the development of expertise and division of labor and discourage those who would challenge it. They soften the inevitable personal conflict of a legislative body so that adversaries and competitors can meet (at the very least) in an atmosphere of antagonistic cooperation or (at best) in an atmosphere of friendship and mutual respect. They encourage senators to become "compromisers" and "bargainers" and to use their substantial powers with caution and restraint. Without these folkways the Senate could hardly operate in anything like its present form.

Yet they are not universally accepted or adhered to: indeed, there is some covert hostility toward them. If most senators do observe them, why don't all? This we shall try to explain in the following pages.

Previous Training and Experience. Senators often express pride in the fact that their chamber is "democratic."

> No matter [one senior senator says] what you were before—a rich man or a poor man, a man with a good reputation or an unknown—you've got to prove yourself *in the Senate.* It's what you do when you arrive and not what you've done before that determines the amount of respect you get from your colleagues.

Or as another has expressed it, everyone "must begin at the foot of the class and spell up."[18] But it is a great deal harder for some men than others to start at the foot of the class.

A former governor who becomes a senator is often accustomed to a higher salary, more power and perquisites, a grander office, a larger staff, and more publicity than the freshman senator enjoys. He is likely to find the pace of legislative life slow and be frustrated by the necessity of cooperating with 99 equals (most of them at first far more equal than he). To move from the governorship of one of the larger states to the role of apprentice senator is, in the short run, a demotion. The result for the one-time governors is a frequent feeling of disillusionment, depression and discouragement.

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[17] That is, the folkways contribute to the survival of the system without change. For a brilliant analysis of the promise and pitfalls of functional analysis see R. K. Merton, *Social Theory and Social Structure* (Glencoe: The Free Press, 1949), ch. 1.

[18] Tom Connally [as told to Alfred Steinberg], *My Name is Tom Connally* (New York, 1954), p. 88.

> I moved from one world to another [a former governor now in the Senate says]. Back home everything revolved, or seemed to revolve, around the Governor. I had a part in practically everything that happened. There was administration. There was policy making. But down here there was just a seat at the end of the table.[19]

At the same time, the other senators complain that the former governors " . . . are the hardest group to handle; they come down here expecting to be big shots," and that they often are unwilling to realize that "they are just one of the boys." Some governors, they feel, never make the adjustment; a larger number make it slowly and painfully.

It is possible to subject this hypothesis to a rough empirical test. Crude indices of conformity can be obtained by counting the number of speeches senators make and by determining the extent to which the bills they introduce are on similar or disparate subjects.[20] These measures of the ex-governors' floor activity and legislative specialization were calculated and are compared to those of men elected from other offices in Tables I and II.[21]

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[19] *Providence Evening Journal*, February 8, 1956.

[20] The number of speeches made by each senator was determined by referring to the Index of the *Congressional Record* for the 83d and 84th Congresses. The number of speeches given by senators serving during the entire four-year period ranged from 28 to 1,953. All senators who gave more than 500 speeches were ranked as high in floor speaking; those who gave from 250 to 499 speeches were ranked as medium; those who gave less than 250 speeches were ranked as low. (Cutting points of 200 and 400 were used to distinguish between the low, medium and high floor speakers in individual Congresses.)

The index of specialization was computed from data in the *Congressional Quarterly Almanac* by determining the proportion of all public bills and resolutions introduced by each senator during the 83d and 84th Congresses that were referred to the two committees receiving the largest number of his bills and resolutions. (The "two highest" rule was adopted after experimenting with an index based on the proportion of public bills and resolutions referred to committees on which the senator served. This measure had the unfortunate characteristic of discriminating against members of the Appropriations Committee and was therefore abandoned.) Co-sponsors were ignored, except in the case of bills and resolutions introduced by two senators. The index numbers so obtained ranged from .295 to .95 for the members of the Senate serving during the entire 83d and 84th Congresses. Senators with scores below .50 were considered to have low indices of specialization; those from .50 to .69, medium; and those above .70, high.

Both measures have distinct limitations. The first entirely ignores the length of Senate speeches, while the second is based on the arguable assumption that the bills and resolutions introduced by a senator adequately reflect the breadth of his legislative interests. Moreover, the jurisdictions of Senate committees are sufficiently broad and overlapping so that two bills on different subjects may be referred to the same committee while two bills with similar subjects may be referred to different committees. By assigning equal weights to all speeches and bills, both indices also disregard the fact that some speeches and some bills are more "important" than others. Despite these crudities, both measures seem to be as adequate as can be constructed from published data without a prohibitively high expenditure of time and effort.

TABLE I. SENATOR'S LAST PUBLIC OFFICE AND FREQUENCY OF FLOOR SPEAKING
(83d and 84th Congresses)

Last Public Office	Frequency of Floor Speaking			Total
	High %	Medium %	Low %	% N
Governor	10	35	55	100 (20)
U. S. Representative	0	52	48	100 (23)
State legislator	0	33	67	100 (6)
State executive	17	17	67	100 (6)
Local official	50	50	0	100 (6)
Judge	0	60	40	100 (5)
Federal executive	33	22	45	100 (9)
None	0	50	50	100 (4)

Note: The two floor leaders, Johnson (D., Texas) and Knowland (R., Calif.), have been omitted from this and all subsequent tables on frequency of floor speaking. A high level of floor activity is an inevitable consequence of their positions and is not considered a breach of the folkways.

TABLE II. SENATOR'S LAST PUBLIC OFFICE AND INDEX OF SPECIALIZATION
(83d and 84th Congresses)

Last Public Office	Index of Specialization			Total
	High %	Medium %	Low %	% N
Governor	35	15	50	100 (20)
U. S. Representative	8	46	46	100 (24)
State legislator	28	43	28	100 (7)
State executive	0	33	67	100 (6)
Local executive	0	50	50	100 (6)
Judge	40	40	20	100 (5)
Federal executive	0	44	56	100 (9)
None	0	25	75	100 (4)

In giving floor speeches during the 83d and 84th Congresses, the ex-governors were more vocal than the former congressmen, state legislators, ex-judges and men with no office-holding experience. The former local government officials and federal executives, on the other hand, gave even more floor speeches than the erstwhile governors. In legislative specialization, only the ex-judges appear to have had a narrower range of legislative interests than the governors. Indeed, of the other senators, only the former congressmen and state legislators came even close to matching them in this respect. Thus, if our indices of conformity are reliable, the governors *as a group* seem to "go along" with the Senate folkways fairly well.

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[21] The larger study upon which this article draws includes a full scale analysis of the social backgrounds and career lines of post-World War II senators. For a preliminary report on this analysis and a brief discussion of sources utilized see my "United States Senators and the Class Structure," in H. Eulau, S. J. Eldersveld and M. Janowitz (eds.), *Political Behavior; A Reader in Theory and Research* (Glencoe; The Free Press, 1956), pp. 184–193.

But it is the governors from the larger states, coming to the Senate with national reputations, who seem to find their initial experiences in the chamber especially trying. Moreover, their record for conformity to the folkways is bad. While they do tend to specialize quite highly, they are extremely active on the floor—even when compared to other senators from similar states (Table III).

TABLE III. FREQUENCY OF FLOOR SPEAKING OF BIG STATE SENATORS, BY LAST PUBLIC OFFICE

(83d and 84th Congresses)

Last Public Office	Frequency of Floor Speaking High+Medium %	Frequency of Floor Speaking Low %	Total %	N
Governor	50	50	100	(6)
U. S. Representative	20	80	100	(6)
All other	38	62	100	(8)

Note: "Big state" is defined as one with more than 4,000,000 population in 1950. See note to Table I.

There is another peculiar feature about the former governors in the Senate: those with low seniority conform to the folkways more closely than those with high seniority. In Table IV, we can see that the higher the seniority of the ex-governors the more active they were in floor debate while just the opposite is true among the former representatives. Both the ex-governors and ex-representatives become more specialized as seniority increases, yet the former congressmen with high seniority specialize considerably more than the high seniority governors. While the numbers involved are too small to warrant generalization the same pattern is suggested for the former local officials and federal executives: those with high seniority conform less than the junior men. The one-time judges and state legislators, on the other hand, seem to follow the pattern of congressmen: the senior men conform more than the youngsters.

Among the present crop of senators at any rate, prolonged exposure to the folkways seems to have resulted in a high degree of conformity among the former congressmen, state legislators and judges but *not* among former governors, federal executives, and local government officials.[22]

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[22] This conclusion must be treated with more than the usual scholarly caution. Only a longitudinal study or one using far more elaborate cross tabulation than is possible here can adequately isolate the effects of seniority on conformity to the folkways.

TABLE IV. LAST PUBLIC OFFICE, FREQUENCY OF FLOOR SPEAKING AND INDEX OF SPECIALIZATION OF SENATORS, BY SENIORITY LEVEL
(84th Congress)

Last Public Office	Seniority	% Low, Floor Speaking	% High, Index of Specialization	N
Governor	High	78	45	(9)
	Medium	88	25	(8)
	Low	100	20	(5)
U. S. Representative	High	100	67	(6)
	Medium	88	22	(9)
	Low	94	0	(17)
State legislator	High	66	100	(3)
	Medium	50	0	(2)
	Low	50	0	(2)
State executive	High	100	0	(1)
	Medium	50	0	(2)
	Low	100	0	(4)
Local official	High	0	0	(1)
	Medium	0	0	(2)
	Low	25	0	(4)
Judge	High	100	50	(2)
	Medium	0	33	(3)
	Low	100	0	(1)
Federal executive	High	25	0	(4)
	Medium	0	0	(2)
	Low	100	33	(3)
None	High	0	0	(1)
	Medium	0	0	(1)
	Low	100	0	(2)

Note: See note to Table I.

The amateur politicians—distinguished business and professional men who entered politics relatively late in life and became senators with little political experience—face many of the same problems as the former governors, compounded by their relative ignorance of political ways. One must learn to be a senator and the amateurs have a great deal to learn. As can be seen in Table V, they are more likely to ignore the folkways regarding floor activity and legislative specialization than are the professionals. Moreover, the amateurs usually must learn how to be legislators in less time than those who follow other career lines to the Senate: they are the oldest group of freshmen in age. A

TABLE V. PERCENTAGE OF SENATOR'S PRE-SENATE ADULT LIFE IN PUBLIC OFFICE, FREQUENCY OF FLOOR SPEAKING AND INDEX OF SPECIALIZATION
(83d and 84th Congresses)

% of Pre-Senate Adult Years in Public Office	Frequency of Floor Speaking			
	High %	Medium %	Low %	Total % N
Under 40%	21	37	42	100 (38)
40–60%	0	48	52	100 (21)
Over 60%	5	35	60	100 (20)
	Index of Specialization			
	High	Medium	Low	
Under 40%	10	31	59	100 (39)
40–60%	10	43	48	100 (21)
Over 60%	33	38	29	100 (21)

Note: See note to Table I.

relatively young man can afford to be patient, to devote two or four or six years to learning the ropes and climbing the seniority ladder. A sixty-year-old man, with sufficient vigor to win election to the Senate and a distinguished career back of him, is not so likely to take the long view. At any rate, a larger proportion of the men elected to the Senate relatively late in life tend to "talk too much" than is the case for the others (Table VI). Thus we find a curious situation in the Senate. The greater a man's pre-Senate accomplishments (either in or out of politics) and the greater his age at election, the less likely he is to conform. For these reasons, a sort of reverse snobbism is quite widespread in the Senate. As one old-timer said, "We are skeptical of men who

TABLE VI. AGE AT FIRST ELECTION/APPOINTMENT TO THE SENATE AND FREQUENCY OF FLOOR SPEAKING
(83d and 84th Congresses)

Age at First Election/ Appointment	Frequency of Floor Speaking			
	High %	Medium %	Low %	Total % N
30–39	8	54	38	100 (13)
40–49	4	46	50	100 (28)
50–59	17	33	50	100 (30)
Over 60	25	25	50	100 (8)

Note: See note to Table I.

come to the Senate with big reputations." From the standpoint of protecting the Senate folkways, this skepticism is justified.

Political Ambitions. Higher political ambitions—and for senators this means a desire to become either President or Vice-president—can also lead to nonconformity.

First of all, strong and exhalted ambitions are likely to lead to restiveness during the period of apprenticeship. A national following is seldom made by "being seen and not heard" or through faithful service on the District of Columbia Committee. In order to overcome this initial handicap, the highly ambitious freshman may resort to extreme and unsettling tactics as, for example, Senator Kefauver is thought by his colleagues to have done in his crime investigations, and Senator McCarthy certainly did in his "crusade" against Communism. His legislative duties are likely to be neglected in the ceaseless quest for publicity and personal advancement. His ears are likely to be " . . . attuned to noises outside the workaday drone of the Senate chamber."[23] And since the senator with higher ambitions is almost invariably shooting for the Presidency, he is likely to be attuned to the voices of somewhat different groups than are most senators. Close presidential elections are won and lost in the doubtful states containing large metropolitan populations. Popularity in these areas is generally a prerequisite for nomination and election to the Presidency. Yet these very groups are the ones under-represented in the Senate, the ones most often at odds with its present power structure. Thus, to the extent that ambitious senators *anticipate* the wants of possible future constituents, they find themselves challenging the Senate *status quo.*

In Table VII we see that of the most obvious presidential aspirants during the 83d and 84th Congresses all save Symington gave more floor speeches than the average Senator and all pursued a wider range of legislative interests.

It should be immediately admitted, however, that the list of presidential aspirants used here is based entirely upon common report—latent presidential ambitions smolder in the breasts of senators not included. Moreover, the list includes both floor leaders, and the folkways regarding floor speaking and specialization are necessarily and greatly relaxed for the incumbents of these specialized positions. Finally, an occasional senator is able to be both a serious presidential candidate and a highly regarded and effective senator—Senators Taft, Johnson and Knowland are the most conspicuous examples within recent years. Yet Taft was never nominated, at least in part because he was a "Senate man." Knowland seems to have found the conflict between the expectations of his Senate colleagues and his presidential ambitions too much to bear. Senator Johnson's presidential chances appear to be low for somewhat the same reasons as Taft's. As a general rule, it seems that a man who entirely adheres to the Senate folkways has little chance of becoming President of the United States.

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[23] Douglass Cater, "Estes Kefauver, Most Willing of the Willing," *The Reporter,* November 3, 1955, p. 16.

TABLE VII. FREQUENCY OF SPEECHMAKING AND INDEX OF SPECIALIZATION OF ACTIVE PRESIDENTIAL ASPIRANTS IN THE SENATE
(83d and 84th Congresses)

Active Presidential Aspirants	No. of Speeches	Index of Specialization
Humphrey (D., Minn.)	1528	.32
Johnson (D., Tex.)	1203	.41
Kefauver (D., Tenn.)	446	.49
Kennedy (D., Mass.)	359	.47
Knowland (R., Calif.)	1317	.37
Symington (D., Mo.)	248	.43
Median for all senators	272	.52

Constituency Problems. A third factor which encourages non-conformity to Senate folkways is a competitive two-party, or a large and complex, constituency.

The political insecurity of a senator from this kind of state is likely to result in a shortened time perspective, an eagerness to build a record quickly, an impatience with the slowness of the seniority system. The approved attitude for the new senator was voiced by a freshman:

> I want to be a *Senator*. I want to gain the respect of my colleagues so that I can represent my state better. I want to establish a reputation as a hardworking committee member who does his homework, who has integrity and good judgment rather than to get my name in the paper every morning. This is taking the long view. It takes time to establish this kind of a reputation in the Senate. It's rather like starting a law practice in a new and small town, as I did in ———, ———. You can't rush it.

A senator whose seat is in grave danger is much more likely to try to "rush it" than one who can count on re-election unless he makes a major blunder.

Table VIII seems to support this line of reasoning. The Senators from two-party states are a little more likely to be frequent floor speakers than those from modified one-party constituencies. Both are considerably more vocal than those from pure one-party states.[24] The picture of legislative specialization is a little different. One-party state senators seem to be the most specialized; those from modified one-party states, least specialized; while the senators from two-party areas fall in between.

The size and complexity of a senator's state also influence the likelihood of his conforming to Senate norms. A senator from a large state has a far greater burden of "case work" to process, errands to run, mail to answer, and speeches to give back home, than the man from a small state; and he has to do this without a proportionately larger staff. He is not likely to have as much time for legislating as a senator from Nevada, Wyoming or Delaware. The large states also tend to be the politically complex states—shot through with sectional,

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[24] The typology of state party systems is from A. Ranney and W. Kendall, "The American Party System," this REVIEW, Vol. 48 (June 1954), pp. 477–85.

TABLE VIII. TYPE OF PARTY SYSTEM IN SENATOR'S STATE AND HIS FREQUENCY OF FLOOR SPEAKING AND INDEX OF SPECIALIZATION

Type of Party System	Frequency of Floor Speaking			
	High %	Medium %	Low %	Total % N
Two-party	16	35	49	100 (43)
Modified one-party	11	39	50	100 (18)
One-party	0	50	50	100 (18)
	Index of Specialization			
	High	Medium	Low	Total
Two-party	16	41	43	100 (44)
Modified one-party	6	33	61	100 (18)
One-party	26	26	47	100 (19)

Note: See note to Table I and footnote 24.

religious, economic and ethnic conflicts. As a result, a senator from one of these states is subject to greater cross-pressures than a man representing a homogeneous state with only one or two real issues, as, for example, has been the case for the Southern states. His constituents also expect him to be active on more issues than the man from the smaller and simpler state, and so he will be oftener tempted to challenge the specialization folkway. And generally he is forced to grapple with these problems without the benefit of substantial seniority, which men from closely contested, large and complex states seldom achieve.

Table IX appears to reinforce this speculation: the larger in size and the more

TABLE IX. SIZE AND COMPLEXITY OF SENATOR'S CONSTITUENCY AND FREQUENCY OF FLOOR SPEAKING
(83d and 84th Congresses)

% Urban, State Pop. (1950)	Frequency of Floor Speaking			
	High %	Medium %	Low %	Total % N
Over 80	38	12	50	100 (8)
60–79	13	33	54	100 (24)
40–59	6	48	46	100 (33)
Under 40	7	43	50	100 (14)
Size of State Pop. (1950)				
Over 4,000,000	40	13	47	100 (15)
2–4,000,000	6	54	40	100 (35)
Less than 2,000,000	10	35	55	100 (31)

Note: See note to Table I.

urban a senator's state, the more likely he is to be hyper-active on the Senate floor. Table X presents the relationships between the same two variables and legislative specialization. Urban state senators seem to specialize less than those from rural states. The size of a senator's state, however, does not seem to have any effect on the range of his legislative interests.

TABLE X. SIZE AND COMPLEXITY OF SENATOR'S CONSTITUENCY AND INDEX OF SPECIALIZATION
(83d and 84th Congresses)

% Urban, State Pop. (1950)	Index of Specialization			
	High %	Medium %	Low %	% N
Over 80	11	33	55	100 (9)
60–79	8	32	60	100 (25)
40–59	15	42	42	100 (33)
Under 40	36	29	36	100 (14)
Size of State Pop. (1950)				
Over 4,000,000	13	33	53	100 (15)
2–4,000,000	17	40	43	100 (35)
Less than 2,000,000	16	32	52	100 (31)

Political Ideology. Senators are, of necessity, tolerant of differences of opinion. A senator's political views make less difference to his acceptance or lack of it by his colleagues than is generally realized. Yet a senator's stance on political issues *does* make it easier (or harder) for him to conform to the folkways and thus, indirectly, influences his prestige and effectiveness in the chamber.

The folkways of the Senate, as we have already seen, buttress the *status quo* in the chamber. And the distribution of power within the chamber results in generally conservative policies. Thus the liberals are more likely to challenge Senate norms than the conservatives. "A reformer's life is perhaps not easy anywhere," one close observer of the Senate has remarked. "In the Senate it can be both bitter and fruitless. . . ."[25]

A man elected to the Senate as a "liberal" or "progressive" or "reformer" is under considerable pressure to produce legislative results in a hurry. The people who voted for him are not likely to be happy with small favors—dams built, rivers dredged, roads financed—but want major national legislative policy changed. Yet as a freshman or a junior senator, and many never become anything else, the liberal is in no position to do this alone. If he gives in to the pressure for conformity coming from the folkways, he must postpone the achievement of his liberal objectives. If he presses for these objectives regardless of his junior position, he will become tabbed as a non-conformist, lose popularity with his colleagues and, in most cases, his legislative effectiveness as well.

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[25] William S. White, "Realistic Reformer from Tennessee," *The New York Times Magazine*, March 4, 1956, p. 32. On the same point, *cf.* Jerry Voorhis, *op. cit.*, esp. at p. 62.

The conservative does not face this problem. He has committed himself to fewer changes in basic policies: he finds the strategic positions in the Senate occupied by like-minded senators regardless of which party organizes it. He is able to identify more strongly with the folkways of the chamber and side more easily with the Congress in its running feud with a generally more liberal President. Nor is he, as is the liberal, so dependent on the support of broad, often unorganized groups which can be reached only through the mass media. At any rate, the liberals seem to talk considerably more and to specialize less than senators of different political persuasion (Table XI).[26] Conservatives can afford to be quiet and patient. Reformers—by definition—find it difficult to be either.

TABLE XI. SENATORS' POLITICAL IDEOLOGY AND CONFORMITY TO SENATE FOLKWAYS
(84th Congress)

Political Ideology on (domestic issues)	Frequency of Floor Speaking High %	 Medium %	 Low %	 Total % N
Liberal	12	23	65	100 (34)
Moderate	0	0	100	100 (19)
Conservative	0	8	92	100 (37)
	Index of Specialization			
	High	Medium	Low	
Liberal	20	31	49	100 (35)
Moderate	21	37	42	100 (19)
Conservative	24	42	34	100 (38)

Note: See Note to Table I and footnote 26.

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[26] An index of Conservatism-Liberalism was constructed in the following manner. The roll-call voting ratings of the *New Republic*, October 15, 1956, were obtained and the total number of "liberal" votes cast by each senator on *domestic policy* issues was divided by the total number of votes cast on the eight domestic issues listed. (Senators who cast less than six votes were omitted.) This operation yields a Conservatism-Liberalism score which can, and did, vary from .00 to 1.00. All senators with scores above .67 were classified as liberals; those with scores ranging from .34 to .66, moderates; and those with scores below .33, conservatives.

An index of this sort generally tends to be multi-dimensional, *cf.* D. McRae, Jr., "Some Underlying Variables in Legislative Roll Call Votes," *Public Opinion Quarterly*, Vol. 18 (Summer, 1954), pp. 191–196, although the omission of foreign policy votes may have mitigated this common failing to some degree. The labor involved in constructing a more adequate measure of roll-call voting through Guttman scaling seemed excessive for the purpose of this analysis.

VIII. CONFORMITY AND "EFFECTIVENESS"

All this would be very "interesting" but not particularly important to serious students of politics if the Senate folkways did not influence the distribution of power within the chamber.

But the senators believe, rightly or wrongly, that without the respect and confidence of their colleagues they can have little influence *in the Senate.* "You can't be effective," they said over and over again, "unless you are respected—on both sides of the aisle." And the safest way to obtain this respect is to conform to the folkways, to become a "real Senate man." Those who do not, run a serious risk. "In the Senate, if you don't conform, you don't get many favors for your state. You are never told that, but you soon learn."

In order to test this hypothesis, a crude index of "Legislative Effectiveness" was constructed for the 83d and 84th Congresses by calculating the proportion of all public bills and resolutions introduced by each senator that were passed by the Senate.[27] While such an index does not pretend to measure the overall power or influence of a senator, it does seem to reflect his efficiency as a legislator, narrowly defined. And, to the extent that the concept as used on Capitol Hill has any distinct meaning, "effectiveness" seems to mean the ability to get one's bills passed.

The "effectiveness" of the conforming and nonconforming senators is presented in Table XII. The less a senator talks on the Senate floor, and the narrower a senator's area of legislative interest and activity, the greater is his "effectiveness." Moreover, the types of senators who, as we have already seen, tend not to conform have considerably less impact on the chamber's legislative output than the conformists (Table XIII). Conformity to the Senate folkways does, therefore, seem to "pay off" in concrete legislative results.

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[27] As was the case for the index of specialization, the data for this index were obtained from the *Congressional Quarterly Almanac.* Private bills were ignored, as were co-sponsorships (except in cases in which bills and resolutions were introduced jointly by two senators). The index numbers obtained by dividing the number of bills and resolutions passed by the number introduced ranged from .00 to .49 for the senators who served during the entire period of the 83d and 84th Congresses. All senators with scores below .15 were considered low in effectiveness; those with scores from .15 to .34, medium; and those with scores of .35 and above were rated as high.

This measure is, of course, based on the assumption that a senator's bill-sponsoring "batting average" is a fair index of his overall "effectiveness" in the Senate. This assumption might be disputed on a number of grounds. First, a senator might be highly "effective" in, say, his committee work but still unsuccessful in shepherding his own bills through the legislative machinery. It is the author's impression that this is a fairly rare occurrence. Second, by weighing all bills and resolutions equally, the measure gives disproportionate importance to minor legislation. It is precisely on minor matters, however, that a sponsor's standing with his colleagues is important in getting legislative results. Third, the measure ignores the fact that many bills and resolutions are not intended to pass by their sponsors. But senators who habitually introduce bills with no intention of their passing are very different kinds of senators than those who introduce bills only when they intend to see them through. The first type is concerned with the *propaganda* consequences of his actions *outside the Senate,* while the latter is concerned with direct *legislative* pay-offs. This narrowly legislative conception of the senator's role is exactly the role definition the folkways demand.

At my suggestion Warren H. Hollinshead, *A Study of Influence Within the United States Senate* (unpublished AB thesis, Amherst College, 1957), checked this index of legislative effectiveness against "influence" rankings obtained through interviews with a panel of Senate legislative assistants. The correlation between the two measures was very high.

TABLE XII. SENATOR'S LEVEL OF FLOOR SPEAKING ACTIVITY, INDEX OF SPECIALIZATION, AND LEGISLATIVE EFFECTIVENESS
(83d and 84th Congresses)

Level of Floor Speaking	Index of Legislative Effectiveness			
	High %	Medium %	Low %	Total % N
High	0	33	67	100 (9)
Medium	3	68	29	100 (31)
Low	15	59	26	100 (39)
Index of Specialization				
High	23	69	8	100 (13)
Medium	10	62	28	100 (29)
Low	8	51	41	100 (39)

Note: See note to Table I.

IX. SUMMARY AND CONCLUSION

There are unwritten rules of behavior, which we have called folkways, in the Senate. These rules are *normative*, that is, they define how a senator ought to behave. Nonconformity is met with moral condemnation, while senators who conform to the folkways are rewarded with high esteem by their colleagues. And partly because of this fact, the conformists tend to be the most influential and effective members of the Senate.

These folkways, we have suggested, are highly functional to the Senate social system since they provide motivation for the performance of vital duties and essential modes of behavior which, otherwise, would go unrewarded. They discourage frequent and lengthy speechmaking in a chamber without any other effective limitation on debate, encourage the development of expertise and a division of labor in a group of overworked laymen facing unbelievably complex problems, soften the inevitable personal conflicts of a problem-solving body, encourage bargaining and the cautious use of awesome formal powers. Without these folkways, the Senate could hardly operate with its present organization and rules.

Nonetheless, the folkways are no more perfectly obeyed than the traffic laws. Abstractly stated, the reasons for non-conformity seem to be three:

TABLE XIII. SOME FACTORS ASSOCIATED WITH THE "LEGISLATIVE EFFECTIVENESS" OF SENATORS
(83d and 84th Congresses)

	Index of Legislative Effectiveness			
	High %	Medium %	Low %	Total % N
Last Public Office				
Governor	10	70	20	100 (20)
U. S. Representative	13	62	25	100 (24)
State legislator	29	43	29	100 (7)
State executive	0	67	33	100 (6)
Local official	0	67	33	100 (6)
Judge	20	20	60	100 (5)
Federal executive	11	44	44	100 (9)
None	0	50	50	100 (4)
Pre-Senate Adult Years in Public Office				
Under 40%	8	51	41	100 (39)
40–60%	5	67	29	100 (21)
Over 60%	24	62	14	100 (21)
Age at First Entrance to Senate				
30–39	14	64	21	100 (14)
40–49	17	48	35	100 (29)
50–59	7	63	30	100 (30)
Over 60	0	63	37	100 (8)
Political Ambitions*				
Presidential Aspirants	0	33	67	100 (6)
Others	10	62	28	100 (73)
Party System in Senator's State				
Two-party	7	59	34	100 (44)
Modified one-party	6	67	28	100 (18)
One-party	26	47	26	100 (19)
% Urban, Senator's State Pop. (1950)				
Over 80%	11	67	22	100 (9)
60–79	8	44	48	100 (25)
40–59	12	67	21	100 (33)
Less than 40%	14	57	29	100 (14)
Size of Senator's State Pop. (1950)				
4 million plus	13	64	33	100 (15)
2–4 million	6	60	34	100 (35)
Less than 2 million	16	58	26	100 (31)
Ideology				
Liberals	3	32	65	100 (31)
Moderates	60	0	40	100 (10)
Conservatives	31	40	29	100 (45)

* Senators Johnson and Knowland omitted.

1. Men become senators at different stages in life after varying kinds of careers. The ease and frequency with which they conform is affected by these differences in their recruitment. Senators elected relatively early in life with considerable political experience seem to conform most readily and often. Not all professional politicians find the adjustment equally easy, however. Former legislators and judges seem to adjust most easily while governors from the larger states and federal executives often find the Senate a psychological demotion, their administrative skills irrelevant, their perceptions of the political process at odds with Senate realities. Amateur politicians, men who have entered politics relatively late in life after distinguished business and professional careers, have the hardest time of all.

2. The senators differ, too, in the level of their political aspirations. Most of them think of Senate service as the climax to their political lives. A minority, however, have their eyes firmly focused on an even bigger prize, the Presidency. Not only does this weaken their identification with the chamber and its ways: it also causes them to identify with a national constituency demanding modes of behavior which are sometimes subversive to the folkways.

3. All senators belong to, or identify with, many other groups in addition to the Senate and the expectations and demands of these other groups sometimes conflict with the folkways. The most powerful of these groups is undoubtedly the senator's constituents—both present and potential. But the ability of a senator's constituents to employ their ultimate sanction varies considerably. For example, incumbent senators are rarely defeated in one-party states. Men from this kind of state need be less responsive to their constituents and thus are able to conform to the folkways more often and thoroughly than men from competitive two-party areas. Moreover, some senators are far less likely than others to be caught in the middle of cross-pressures from constituency and legislative peers. The Senate is organized in a way that greatly exaggerates the power of rural, conservative interests. The folkways justify and buttress the *status quo* in the chamber. Thus rural conservatives are less often caught in the squeeze of conflicting constituency-folkway demands than are the liberal senators from urban states. When confronted with such a conflict situation, a senaator must choose between conforming to the folkways and thus appearing to "sell out," or gaining popularity back home at the expense of goodwill, esteem and effectiveness in the Senate—a course which diminishes his long run ability to achieve what his constituents demand. For this reason, conflicts between the immediate demands of constituents and peers are by no means automatically resolved in favor of constituents.

It would be a mistake to assume that the folkways of the Senate are unchangeable. Their origins are obscure, but sparse evidence scattered throughout senatorial memoirs suggests that they have changed little since the late 18th or early 19th century.[28] Certainly the chamber's small membership and gradual turnover is conducive to the transmission of such rules virtually unchanged from one generation to the next. Yet the trend in American politics seems to be toward more competitive two-party politics; a greater political role for the mass media of communications and those skilled in their use; larger, more urban constituencies. All these are factors which presently encourage departure from the norms of Senate behavior. Thus nonconformity to the folkways may increase in the future, if the folkways remain unchanged. Moreover, the major forces which presently push senators toward nonconformity tend to converge upon a relatively small group of senators. This is a far more unstable situation than the random distribution of such influences—and hence of nonconforming behavior—among the entire membership of the Senate.

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[28] "Should the new legislator wish to be heard," George Washington advised his favorite nephew upon his election to the Virginia House of Delegates in 1787, "the way to

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command attention of the House is to speak seldom, but to important subjects, except such as relate to your constituents and, in the former case, make yourself perfectly master of the subject. Never exceed a decent warmth, and submit your sentiments with diffidence. A dictatorial style, though it may carry conviction, is always accompanied with disgust." J. A. Carroll and M. W. Ashworth [continuing D. S. Freeman's biography], *George Washington*, (New York, 1957), Vol. VII, p. 591.

COMMUNICATIONS

VANITY FAIR? OR, INTERNATIONAL CONGRESSES RECONSIDERED

From September 16–20, 1958, the fourth international congress of the International Political Science Association took place in Rome. It was quite an occasion. More than 250 political scientists (let us assume all participants *were* political scientists) from more than twenty nations attended. Numbers of papers were read and discussed, we all met old friends and colleagues and made new friends, and a good time was had by all—Rome and the weather each playing its part. Did political science also profit from the proceedings? I sometimes have my doubts.

It was not the first international congress. In 1950 we had met in Zürich—for a reason that never became quite clear, together with the sociologists. The combination was not a success, though the failure was perhaps more due to the extremely cramped quarters into which both congresses were squeezed than to any inherent impossibility of interdisciplinary discussion. In 1952 the second international congress of IPSA took place at the Hague; in 1955 we met in Stockholm; and after Rome the thoughts of the Executive Committee are already turning to the question in what hospitable country and city in 1961 the fifth congress will take place.

In the intervening years between congresses I sometimes attended smaller conferences on political science, usually called seminars or round tables, at which the presence of only a few dozens instead of several hundreds of learned friends was a distinct relief. On travels through Western Europe and the United States I also had the opportunity of attending annual meetings, very different in character, of the national associations devoted to political studies in the United States, in Great Britain, in France and in Germany—not to mention the biennial meetings of the political science association we have in Holland. So I suppose I have done some of what my American friends would probably call "comparative research" in the field of political science congresses. I should like to note down here a few remarks and reflections.

International congresses where hundreds of scholars meet have a combination of functions. In the first place the organization of such congresses, by the ingenious systems of travel subsidies which accompany most of them, acts as an inexpensive travel agency for relatively poor people like university teachers. This is not a cynical comment. To some people regular visits to international congresses have an aspect of profiteering, but for many scholars, particularly of the younger generation, it would be quite impossible to travel all over the world without outside financial help. Travelling, if wisely done, being part of one's education, this function of international congresses may be something to be regarded with a watchful eye, but is in itself to be neither despised nor neglected.

The second function of congresses is just that scholars working in one field or a few related fields have the opportunity of meeting one another. This has a limited but definite use. It is a commonplace saying that most of the interest of congresses lies not so much in the speeches and discussions as in what goes on in private talks in corridors, at luncheons and on all those innumerable occasions where a face, a smile, a handshake and a few words bridge the distance between countries and continents. One need not overestimate the importance of all this, but it is certainly not meaningless to know one's opposite numbers in several countries. The exchange in private conversations about learned subjects is less extensive and intensive than is usually supposed, but the critical opinion of an intelligent colleague about a recently published book is not to be neglected indeed. More reputations fall than rise, but disinflation is often a useful thing. To some extent this holds even for listening to speeches. To most of us this is a rather irritating waste of time, because in twenty minutes in the library one can usually get to know considerably more about a man's thoughts from his books and articles than a full hour of listening to his speech can provide. Sometimes speeches are quite revealing, however; and on listening to a celebrated author one may suddenly get a glimpse of the undarned holes in his intellectual socks. It is indisputable, however, that these first two functions, however useful they may be under some circumstances, would in themselves never be enough to justify holding any congress at all. For a full justification, a third and more important function, a truly scientific one, must be found. And this raises an awkward question: what are congresses really about?

The procedure, with some minor variations, is always the same. A few days before the international congress itself starts there are long and involved sessions of (to the outsider) somewhat mysterious bodies respectively called the Executive Committee and the Council of IPSA. The Executive Committee consists of 15 members and meets once a year. It tries to decide many business matters and to think of subjects and *rapporteurs* for future round tables and seminars, and leaves part of that business to eminent personalities known as the President and Secretary General. Having been a member of the Executive for six years I can assure you that negotiations are sometimes difficult, but with slightly more than a dozen people some degree of discussion is at any rate possible. This is, alas, not true to the same extent of the Council, an unwieldy small parliament of some 40 or 50 representatives from different countries. Often the President and members of the Executive are able to explain to the uninitiated members of the Council how unconsidered their attitude is, if they refuse at first to see the wisdom of what more experienced heads have suggested. By definition this does not go for the election of a new Executive Committee by and from the Council; personal and national vanities then run wild and only the pen of a Henry L. Mencken could do full justice to all the ensuing buffoonery. All this, however, is just *hors-d'oeuvre*.

The international congress usually starts with a plenary session on which half a day is spent, or wasted. The presidential address may be worth listening to, though it might as well be read afterwards at home in print or, in a congress that runs in well-organized grooves, a few minutes after the speech has begun, from a mimeographed version handed out by efficient young ladies. The rest consists of ministers of state, mayors and a whole panoply of scientific dignitaries getting up and saying "Thank you" and "Many happy returns of the day" in long and nebulous words. The same eloquent procedure is followed on the last day of the congress for a closing ceremony; but this has usually somewhat more of an internal character, everybody thanking everyone else for the splendid work he has done over the past week, and is always much shorter, blessed as it is by the twofold hurry of those who want to catch an early train and those who have already done so. Inevitable as the opening and closing ceremonies must be supposed to be, their contribution to science and scholarship is mainly of a laudatory nature.

The real business of the congress consists of discussions of separate subjects which have been prepared in advance and for which the participants split up in two or more groups. For each subject the general *rapporteur* has always prepared a working paper; varying numbers of sub-*rapporteurs* bring in piles of mimeographed material which is politely supposed to guide the discussions. In fact it usually does not, for the simple reason that most papers are not circulated weeks in advance, but handed out on the very eve of the discussion, sometimes even after the session has begun. The collected mimeographed papers when taken home provide what we like to refer to as useful documentation. That is, they are stuck away in a corner of the library; probably not one political scientist is zealous enough to read them all. Perhaps they serve as material for lectures to undergraduates at out-of-the-way places. Well, some documentation may fulfill a useful function.

The oral proceedings are somewhat more satisfactory. In each meeting there is a chairman, the chair being in rotation confided to eminent representatives from different countries, regions and continents, selected with as much care as if IPSA were the United Nations. These gentlemen do their job efficiently. Much more important is the introductory speech by the general *rapporteur* for the subject concerned. It is a pleasure to note that such speeches are nearly without exception not only well prepared, well informed and well thought out, but also clear and interesting to listen to. One has to note regretfully, however, that the same can only be said of a few of the interventions that follow. Few people can think on their feet, react to what earlier speakers have said and so make the discussion a real exchange of thoughts. Most speakers, particularly the sub-*rapporteurs*, are unable or unwilling really to take part in a lively debate. They content themselves either with a dissertation on Conditions in My Country, or—worse—they read with little change the papers they had already submitted. Some dullness here is inevitable; as a matter of fact some interventions may quite unexpectedly be very interesting. At first sight it seems paradoxical that hundreds of political scientists should have travelled to Rome to hear about pressure groups in Kamchatka or about the strange ways of public administration in Ruritania; yet I was time and again struck by the sudden flashes of insight and the unexpected doses of human interest that some of these interventions provided. The same is true, of course, of speakers who throw an interesting light on some particular aspects of the subject under discussion.

The general picture is certainly not rosy. But if we suppose granted that international congresses on political science will go on taking place every three years or so (and as far as we can see continuation looks very probable indeed, the *argumentum e consensu omnium* being what it is), could anything be done to effect a better and more useful functioning of these meetings? Before I come to the congresses themselves, I should say that IPSA should not neglect the round tables and seminars in which only a few dozens of political scientists participate. The disadvantage of such smaller meetings is evident: only a limited number of people can be invited, over and above the members of the Executive Committee who usually have their meeting at the same time; and as a result the number of places available for all other political scientists is small. The possibilities of a real discussion taking place are so much greater in a smaller meeting, on the other hand, that the inevitable lack of wide representation must not prevent IPSA from organizing them as well as full-dress congresses.

Now, can anything be done about the congresses themselves? I am thinking mainly of four possibilities, putting them forward as suggestions in the hope of starting a discussion of the entire problem. Other ways of improvement must and I hope will be found.

1. In the first place a system must be devised which ensures that all papers of any importance are circulated to the participants at least a fortnight in advance. It is indeed extremely difficult to invent organizational schemes, to bring the learned authors to a speedy and timely submission of their papers. I for one would not shrink from being a bit rude to those who are late in sending in the fruits of their labors and perhaps from excluding those persistent in delaying tactics from being *rapporteurs* at following occasions. About the discussions themselves not very much can be done. The chairmen may try to encourage the audience to make short impromptu speeches in the course of the debate, and need not restrict their presiding functions to an ever-repeated pointing at the clock. A discussion which has been completely planned a full day in advance *is* no real discussion. The debates can and should be more spontaneous, and the chairmen can set the tone for a more informal discussion.
2. It would be a misreading of human nature to think that personal and national vanities can be done away with completely. Some of the more prominent members of IPSA would be wise, on the other hand, if they appreciated the amount of general irritation among the back-benchers of the political science community which their *prima donna* attitudes and all too evident eagerness to sit in the seats of honor have caused—increasingly so as congress follows congress. If nothing else helps, ridicule may; and here the back-benchers have perhaps their secret weapon.
3. This brings up my third suggestion. At the Rome congress it was pointed out unsuccessfully that most international professional organizations (the sociologists, the economists, etc.) can do with much less than the 15 representatives of countries, regions and continents with which IPSA thinks it necessary to fill its Executive Committee. I do not have very deep feelings about the number; we could do with some less and it would save some money, but this is about all. For heaven's sake let us end playing United Nations, however! The idea that Latin America or the Middle East "has to be represented" is ridiculous enough when we are engaged in choosing an Executive Committee. It becomes destructive of scientific discussion, however, if for the working meetings an incapable man from Patagonia is preferred

as *rapporteur* on a given subject over a capable one from Outer Mongolia because "Latin America" has to be represented and "the Far East" already has a man in another job. I am giving fictitious examples, of course, but insiders know that the situation itself is far from imaginary. If we want our congresses to keep to some standards of scholarship we shall have to stop that kind of nonsense.

4. My last suggestion concerns the choice of subjects. The Executive Committee has the real work here. To make a subject suitable there must on the one hand be so much consensus that everybody knows what the discussion is going to be about, and on the other hand so much diversity of opinion that a lively discussion is a possibility if not a certainty. A closer look at such a subject as "The Relations between Theory and Practice" should have convinced the Executive Committee, that every self-respecting political scientist can at the slightest provocation write a complete book under that title, but that no two books would have even the faintest identity of subject. It is no easy task to think up proper subjects for discussion, but those in charge would do well to start thinking long in advance, come to clear and considered conclusions, and avoid all concessions to non-scientific considerations.

All this is more easily said than done, particularly as we may over the years become the "kept men" of organizations and foundations which pay IPSA handsomely for research and may want part of our conferences and congresses devoted to their pet subjects. The phenomenon itself may be in the course of nature and generally speaking such scientific contacts are to be welcomed. A little more self-respect would do IPSA no harm, however. Unashamed publicity for the organization or foundation concerned can probably be restrained by a firm chairman and (more important) the Executive Committee can see to it that the International Political Science Association itself remains the ultimate arbiter of what is and what is not relevant and important in setting the agenda for a congress on the problems of political studies.

A general conclusion? Apart from the above suggestions I have only one to draw: let us profit from our experience. Four congresses and half a dozen or so of other meetings must have taught us some of the mistakes to avoid and some of the useful things to pursue. If we do not seriously try to improve things next time, laziness and sloppiness will tend to worsen the defects as the years go by.

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DR. ROGERS'S METHODOLOGICAL DIFFICULTIES—A REPLY TO HIS CRITICAL NOTE

In the June issue of this REVIEW (p. 483), W. Hayward Rogers took me rather severely to task for "methodological difficulties" in my book *An Economic Theory of Democracy*. He encountered three major "difficulties," which I take the liberty of summarizing as follows:

(1) Many axioms necessary for the conclusions drawn are left out of the reasoning; hence the conclusions do not necessarily follow logically from the stated axioms.

(2) Even if the theorems propounded could be empirically tested and were found to be true, this would not confirm the basic propositions from which the theorems were derived. This follows because the entire book is

about a model world, and none of the conclusions derived from it are relevant to the real world. To attempt to test such conclusions in the real world is methodologically unsound and meaningless.

(3) Political science is not yet ready for theories involving lengthy deduction, but is still in its infancy and should stick to "purely empirical fact-finding."

Since these objections are of considerable importance in political science beyond any work of mine, and since I believe Rogers is 100 per cent wrong, I would like to reply to his critique in some detail.

First, let me state briefly the nature and purpose of the kind of model-building illustrated by *An Economic Theory of Democracy*. Much of Rogers's criticism springs from his apparent failures to understand what the model was for; hence my goals were perhaps not clear and should be more precisely stated. Model-building is a technique developed in economics (not in the natural sciences, as Rogers states) for two reasons. First, many basic hypotheses about human action cannot be directly tested. For example, one of my hypotheses is that men are economically rational in politics. But you cannot simply poll people and ask them if they are rational and expect to get meaningful results. Instead you must devise some test of rationality that reflects its presence or absence in measurable behavior. That is what a model does: It starts with a fundamental but untestable proposition and moves by deduction to another proposition, derived from the first, which can be tested. This movement is accomplished by assuming that the fundamental proposition is true in a hypothetical world and then deducing the consequences it would have in such a world. But this process in turn requires the introduction of a great many other elements into the model world—the *environment* in which the basic hypothesis is to be tested. This environment is made to resemble the real world as closely as possible. In effect, the model asks what would happen in the real world if everything were exactly the way it really is except that the hypothesis were known to be true. If the behavior which results in such a world closely resembles the behavior we see around us, then the basic hypothesis tends to be confirmed by empirical evidence. It will never be 100 per cent verified, because all empirical propositions are tentative pending possible contradiction by evidence as yet unknown.

In summary, a model contains (1) basic hypotheses to be evaluated; (2) an environment consisting of many assumptions about conditions in the model, which are made as much like conditions in the real world as possible; and (3) a set of deductions about behavior derived from the hypotheses and the environment. These behavioral deductions are really testable propositions which, if empirically verified, tend to confirm the truth of the basic hypothesis.

If the first goal of model-building—tentative verification of a hypothesis—is achieved, then an approach to the second goal can be attempted. This goal is making predictions about how men will act in new situations, or formulating illuminating analyses of their present or past actions. It is the extension of deductions from the basic hypothesis past obvious assertions into new frontiers of knowledge, similar to Einstein's predicting that light would bend around a heavenly body before anyone had ever observed such an event.

With this explanation in mind, let us examine Rogers's three criticisms. His first point—that many axioms were left out of the model—suffers from two deficiencies. First, he obtained what he calls my "axioms" from Chapter Sixteen, where the propositions he refers to are specifically labelled "hypotheses," not "axioms." In fact, the word *hypothesis* is used fifteen times in the chapter; whereas the word *axiom* never appears. Since *axiom* usually means a proposition assumed to be true without proof, it certainly is not the proper term to apply to propositions specifically designed to be proved. Second, he is correct in saying that the intermediate assumptions necessary for deduction of my conclusions are not stated *in that chapter*. However, he neglects to mention that after every single conclusion set forth in Chapter Sixteen is a reference such as "Derived from Chapter Four" stating exactly where all the "missing" assumptions are to be found. The reason they are omitted from Chapter Sixteen is that this chapter merely summarizes the behavioral deductions from the hypotheses. Hence the environmental assumptions—laboriously and rigorously set forth in the cited chapters—are not unnecessarily repeated in the last chapter.

Rogers's second point is that empirical investigation in the real world cannot confirm conclusions drawn from a model. This criticism stems directly from his failure to understand that my model is precisely a device for the creation of conclusions that can be tested in the real world. Admittedly, the reasoning in my book remains largely within the framework of a model world. Therefore Rogers is correct in saying that I did not "interpret" my conclusions by formally transferring them into the real world. However, I assumed that when I made a statement like "In two-party systems, parties closely resemble each other," the reader would not have to do much interpretation to apply it to the real world, especially after I devoted several pages to explaining precisely what "close resemblance" consisted of. Furthermore, the last chapter was an explicit listing of those propositions which I believed were testable in—and therefore relevant to—the real world. If confusion still remains, I hope this note will clarify the relation between the model and the real world.

His final criticism is that political science is still an "infant" and is not yet ready for "axiomatization" or "exercises in deduction." In fact, Rogers says "What is certain is that axiomatization and the use of the deductive method come *after* one has made empirical investigations, not before." Part of this statement is irrelevant and the rest is false. It is irrelevant insofar as I have never indulged in creating axioms but in hypothesizing, which is quite different. It is false insofar as deductive reasoning is implicit in almost all empirical research and therefore precedes it. Before engaging in what Rogers calls "fact-finding," one must decide what kind of facts to look for. The amount of data extant on any subject is infinite; hence selectivity is inherent in all research, as I explained in Chapter Eleven. But the establishment of principles of selection is done through deduction, from some sort of hypothesis, however rudimentary. For example, take an empirical study of what causes people to abstain from voting.

The cost of research makes it imperative that many characteristics that might be tabulated for correlation with abstention be eliminated at the outset—such as color of eyes, height, weight, disease history, size collar, and fondness for bon-bons. Instead the "fact-finder" concentrates on variables that he believes —through deduction from some set of hypotheses—are more likely to influence voting behavior. Thus deduction—perhaps of a low level, but still deduction—is essential for empirical research. In short, there is no such thing as "purely empirical fact-finding."

Furthermore, it seems to me unwise to eschew any form of research, even seemingly grandiose deductive schemes, on *a priori* grounds. The history of all the sciences, behavioral and otherwise, proves that knowledge progresses in unexpected ways, and that no channel of research should be thrown out of court simply because it appears "too advanced" for some observers. I believe that extensive deductive systems like my own in fact embody Rogers's own conviction that "empirical study must start from a few relatively simple guesses at what generalities hold." My basic hypotheses are exactly such guesses, and the model world they inhabit is designed to move them into empirical significance. If such models aid in guiding empirical research—as they certainly have in the past—or even if they merely provide enlightening insights into politics, I believe they are a methodologically sound way in which to advance our knowledge of reality.

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ON THE USE OF ROLL-CALL ANALYSES: A REPLY TO R. T. FROST

In the September, 1959 issue of this REVIEW (p. 792), R. T. Frost criticized a methodological device widely utilized in the study of legislative behavior, the analysis of roll-call votes, and my research on metropolitan and outstate alignment which included this type of analysis (this REVIEW, December, 1958, p. 1051). I should like to respond to these criticisms in Frost's order: (1) the usefulness of roll-call analyses in the study of legislative behavior; (2) the selection of particular experiences for the testing of beliefs about urban-rural conflict; and (3) the need for studies of legislative treatment of metropolitan-interest legislation.

The usefulness of roll-call analyses in the study of legislative behavior. Following the pioneering studies of Lowell and Rice this tool of analysis has been increasingly used, as evidenced by the studies of Truman, MacRae, Belknap, Farris, Keefe, Turner, Riker, Jewell and many others. Recent methodological refinements such as scale analysis, factor analysis, and application of game theory promise to make it an even more powerful tool. Although certain aspects of legislative behavior do not lend themselves to this type of study (*e.g.*, some committee action, informal and interpersonal decision-making), the roll-call is useful in analyzing the formal and official position finally taken by legislators and the conflict of groups over questions of public policy. On these matters the roll-call precisely reveals the end-product of the informal processes, positions taken by legislators regardless of how these positions are reached. In the study of Illinois and Missouri, roll-call analyses thus disclosed that, for whatever reasons, metropolitan delegations frequently disagreed within themselves and seldom disagreed with non-metropolitan delegations.

Roll-call analyses of whole legislative sessions are well suited for charting the topography of legislative conflict and for exploring general propositions such as "there is little conflict between political parties over public policy" or "there is extensive conflict between metropolitan and outstate legislators." Roll-call analysis is useful in suggesting revisions of generalizations which have never been adequately tested and in providing more refined hypotheses for further testing.

One criticism was that some important conflicts are resolved before roll-call, and so are not subject to roll-call analysis. This may be true to a greater or lesser extent in some legislatures. The extensive use of roll-calls by careful scholars mentioned above indicates that they believe most significant conflicts show up in roll-calls of the legislatures they studied. Thus the answer to Frost's criticism rests in choosing between the judgment of the researcher familiar with the practices of the legislature he studies, and the judgment of his critics who may be familiar with that legislature. I concluded that in the situations to which I applied roll-call analysis most important conflicts show up at that stage.

A second criticism related to the inclusion of all roll-calls which have elicited legislative conflict. In exploratory studies this type of analysis should not proceed from *a priori* assumptions about the "importance" of particular decisions over others; to do so might well preclude discovery of areas of conflict which in reality are more important than a prior judgment indicated. A policy issue "unimportant" to the outsider may look otherwise to the legislators and may generate conflict quite significant for the study of legislative behavior. This approach thus concentrates on legislators and their behavior rather than on areas of public policy in which a researcher may, for one reason or another, have an interest or commitment. Following roll-call analyses which chart the terrain come further studies proceeding from limited hypotheses relating to behavior on a particular issue of public policy.

I am not able to share Frost's "distress." Every tool has its limitations. Roll-call studies have their own, yet still provide a highly useful means for the study of legislative behavior.

The selection of particular situations for the testing of beliefs about urban-rural conflict. The literature on urban-rural conflict generally fails to deal with the variables of party and intra-urban conflict which often distort analyses of metropolitan-outstate relationships. Among the reasons for selecting Illinois and Missouri was that the political divisions within the metropolitan delegations provided the opportunity of controlling these variables. For example, had these delegations overridden partisan considerations by standing together against rural delegations, there would have been reason to conclude that there is a real basis for the usual "urban vs. rural" hypothesis. Since this seldom happened, and since a united metropolitan delegation was almost always on the winning side, I concluded that "urban-rural" conflict was a minor side-show in comparison with the real struggle within the metropolitan areas and between the parties. Thus, rather than "muddying the analytical waters," I concluded that this type of analysis makes clearer an analytical picture usually distorted by ignoring party and intra-urban conflicts. To ignore these would be to ignore one of the most important contemporary phenomena relating to metropolitan issues.

Limited resources made it impossible for my study to include an adequate sample of all states. At this exploratory stage a rich variety of situations is available for building a body of useful research. Illinois and Missouri provided data for two-party states with unipolar and bipolar metropolitan concentrations. Studies of one-party states, states with wider variations in size of cities, and states with very little rural population will be valuable in testing propositions about urban-rural relationships and the impact of urbanism on state decision-making. The chief *caveat* is that the research designs be carefully drawn and that the studies be cumulative and replicable. The charge that data from any particular state are "weak" is hardly relevant.

The need for studies of legislative treatment of metropolitan-interest legislation. The conclusions from my research on Illinois and Missouri were explicitly limited to the roll-call stage in those states. Further studies are necessary to test these conclusions. One type of study is the more limited case study of particular aspects of public policy relating to the metropolitan area. Frost's examination of one session of the New Jersey legislature attempted such an analysis. However, I suggest that the research design for such a study must include careful and precise definitions of what is in the metropolitan interest. Rather than proceeding from the simple assumption that metropolitan interests are "pro-labor, housing, city roads, major municipal personnel bills, pork-barrel for cities, etc." (Frost's definition), the researcher must recognize that a city contains diverse and often contradictory demands, heterogeneous populations, and intra-urban political conflicts. Since the metropolitan legislators' perceptions of the metropolitan interest may be crucial to their behavior, these perceptions must be carefully compared with metropolitan interest identified by other tests. Conclusions regarding metropolitan-outstate conflict can be safely reached only after (1) the behavior of *both* metropolitan and outstate legislators has been carefully related to the treatment of the legislation; (2) the treatment of rural-interest bills and bills concerning the whole state are available for comparison with treatment of metropolitan-interest bills; and (3) some attempt has been made to control party conflict as a variable which may become confused with metropolitan-outstate conflict. Frost did not choose to proceed in this manner.

Unless such provisions are made in the research design, it is possible that the conclusions reached will be insupportable.

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SIR:

It is high time that learned societies and professional associations of scholars took cognizance of a growing and, I should say, evil practice on the part of college-text publishers, of making up books out of other people's writings. These are so-called "books of readings" or "introductions" to this or that discipline or combinations of disciplines; they are clip and paste jobs with sometimes a pat on the head, of two or three lines, for the original author and sometimes no more than a cavalier nod in his direction in the form of a footnote.

In any case, this is easy money for the compiler and the publisher and a poor way (as regards scholarship and teaching) of getting a book together.

But what I wish to protest against is that apparently the practice is developing among publishers of not even asking the authors for their permission to appear in these collections, some of which are very sorry performances indeed; they simply ask their fellow-publishers (despite the fact that usually copyrights are held by authors) who, because they are in the same cheap game themselves, readily give their consent. The defenseless author does not know he is being used until he comes across the work by accident. Needless to say, in this kind of flim-flam, no one bothers to talk of compensation for reprinting.

Time was when compensation was the ordinary and honorable procedure with permission first obtained from the author before the publisher (simply as a matter of courtesy) was approached.

I recently had an outrageous experience in which I found myself reprinted three times in a mélange which purported to be an introduction to the social sciences. This was done without my knowledge, consent, or, of course, any compensation. In fact, the publisher resented my asking for three free copies of the book and, after an exchange of a number of letters, ended up grudgingly by sending me one, and that one a paperback.

I am calling upon learned societies to protect their members against this sort of high-handed treatment and to formulate rules for permissions and compensation. It is all very well—and proper— to protest against the Russian piracy of American books; but piracy at home is equally reprehensible.

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CRITICAL NOTE

SHAFTESBURY ON LOCKE

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Among historians of political theory an accepted opinion regarding the meaning, spirit and intentions of John Locke prevails: that he was in agreement with Hooker and the tradition *vis-à-vis* natural law; that he was friendly to Christianity, and against Hobbes. Like all accepted views, this one is in need of reexamination. In this connection it may be of only subsidiary but nevertheless genuine importance, to consider the opinions of Locke entertained by his own age, especially the opinions of highly intelligent and articulate men who knew him personally. One such man was Shaftesbury. This note will set forth the view of Locke formed by his eminent pupil.

Anthony Ashley Cooper (1671–1713), Third Earl of Shaftesbury, was born of a prominent Whig family, his grandfather (the notorious "Achitophel" of Dryden's poem) having been among the chief founders of the Whig Party. Shaftesbury was a Whig not only by birth but also by education. The First Earl had met John Locke, then a student of medicine, while on a visit to Oxford seeking a remedy for his illness. Under Locke's direction, he underwent an operation which, the grandson reports, "saved his life and was the most wonderful of that kind that had been heard of till that time." After this incident, Shaftesbury relates, "Grandfather soon began to use him [Locke] as a friend, and consult with him on all affairs of state." So deep was the First Earl's admiration for Locke that he entrusted him exclusively with his grandson's education. From Shaftesbury's own account:

> I was his more peculiar charge, being as eldest son taken by my grandfather and bred under his immediate care, Mr. Locke having the absolute direction of my education, and to whom, next to my immediate parents, as I must own the greatest obligation, so I have ever preserved the highest gratitude and duty. I could wish that my time and health would permit me to be longer in the account of my friend and foster-father, Mr. Locke.[1]

Shaftesbury entered public life in 1695, when he was elected to Parliament as member for Poole. In 1699 he succeeded his grandfather as the Earl of Shaftesbury (his father having died in the interim), and attended the House of Lords until King William's death in 1702. His political reputation was that of an ardent Whig, "a typical example of the Whig aristocracy of the time."[2]

As is well known, however, Shaftesbury achieved greater fame as a writer than as a statesman, becoming one of the major literary figures of the late 17th century. His ideas were widely adopted by popular writers in England, and his *Characteristics*[3] played a large part in determining the content of English literature. His "genteel style" led Goldsmith to observe that Shaftesbury had "more imitators in Britain than any other writer" he knew, "all faithfully preserving his blemishes, but unhappily not one of his beauties." His influence on the Continent appears also to have been considerable. Montesquieu, in his *Pensées Diverses*, referred to Shaftesbury as "one of the four great poets." Herder, a later admirer, declared that this "virtuoso of humanity" had contributed much to the philosophy of Leibniz, Diderot, Lessing and Mendelssohn, and indeed had "exercised a marked influence upon the best heads of the century. . . ."[4] More recent writers have credited him with an important influence on Rousseau.[5]

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[1] Benjamin Rand (ed.), *The Life, Unpublished Letters and Philosophical Regimen of Anthony, Earl of Shaftesbury* (London: Swan Sonnenschein & Co., 1900), pp. 329, 330, 332, hereinafter referred to as *Letters*. This letter, dated February 8, 1705, refers to the meeting of the First Earl with Locke in 1666.

[2] R. L. Brett, *The Third Earl of Shaftesbury: A Study in Eighteenth Century Literary Theory* (London: Hutchinson's University Library, 1951), pp. 34 ff.

[3] His works as known to the eighteenth century, were first published in the following order: (1) *Inquiry Concerning Virtue*, published without authority by John Tolland, 1699; (2) *A Letter Concerning Enthusiasm*, 1708; (3) *The Moralists: A Philosophical Rhapsody*, 1709; (4) *Sensus Communis, an Essay upon the Freedom of Wit and Humour*, 1709; (5) *Soliloquy, or Advice to an Author*, 1710; (6) *Characteristics of Men, Manners, Opinions, and Times*, 1711, which contains the previous essays and also *Miscellaneous Reflections;* (7) *Tablature of the Judgment of Hercules*, 1713.

[4] C. A. Moore, "Shaftesbury and the Ethical Poets in England, 1700–1760," *PMLA*, Vol. 31 (1916), pp. 264–325.

[5] See Dorothy B. Schlegel, *Shaftesbury and the French Deists* (Chapel Hill: University of North Carolina Press, 1956), ch. vii, "Rousseau, the Popularizer of Shaftesbury's Philosophy."

The present article, however, is not meant to be an exposition of Shaftesbury's thought. It deals only with his views on Locke, insofar as they can be pieced together from his somewhat scattered statements. The obvious ambiguities and contradictions in Locke's writings[6] have for so long been a subject of controversy that to add more words to the debate might perhaps be thought unnecessary, but for the fact that Shaftesbury's views merit more than passing consideration. Shaftesbury's closeness to Locke rendered him singularly competent to comprehend his tutor's system and appreciate its originality before it became the common coin of later decades. His Whig loyalties, moreover, allay any suspicion that his critical observations on Locke may have been informed by sympathetic or romantic attachments to the old monarchy.[7] Finally, his eminent literary skill and his range as a writer—Shaftesbury wrote on ethics and aesthetics as well as on current political questions—lead one to expect that he had a wider vision than many other partisans of the "Glorious Revolution," and may well have seen problems where they saw only occasions for applause.

Shaftesbury's estimation of Locke is not immediately accessible, since as far as this writer has been able to ascertain, he does not mention Locke by name even once in his works published during his lifetime.[8] Polemics against Hobbes, on the other hand, are to be found in abundance. His failure to take issue with Locke explicitly, together with his frequent tirades against Hobbes, may tempt his reader to the conclusion that Shaftesbury had been wholly converted to the principles of his preceptor.[9] For if, as the generally accepted opinion has it, Locke and Hobbes are classic antagonists, it might be supposed that a protegé of Locke should naturally have disparaged the execrable but wonderfully ingenious foe of free institutions. His silence regarding Locke might be taken as a sign of veneration. Thus one might conclude that the present-day view of Locke is verified by the opinion of Locke's own age.

But this, I shall argue, would be an erroneous and superficial judgment. Closer examination discloses that Shaftesbury's reticence regarding Locke cannot be taken simply as implied agreement. The explanation of Shaftesbury's silence about Locke is not to be found in his published works, but in his letters. In a letter to Stanhope, he reveals his self-imposed restraint:

> Thus I have ventured to make you the greatest confidence in the world, which is that of my philosophy, even against my old tutor and governor, whose name is so established in the world, but with whom I ever concealed my differences as much as possible.[10]

This is surely not the language of a man who regarded Locke's doctrines as beyond reproach. We have already seen evidence of Shaftesbury's "gratitude and duty" to Locke. We may thus surmise that prudence and delicacy, rather than unqualified approval, prevented him from contending with his old "friend and foster-father" in public. Even in his private correspondence, as evidenced in the above passage, Shaftesbury speaks of Locke guardedly and in confidence.

Despite this circumspection, he did not entirely avoid divulging his judgments concerning Locke. To present these statements, and through them to arrive at an adequate notion of the nature of the "differences" to which he alluded, will be the purpose of the remainder of this paper.

The most striking clue is that Locke is mentioned most often in connection with his reputed opponent, Hobbes. Writing to Michael Ainsworth, Shaftesbury expresses cogently his divergence from his contemporaries in his estimate of Locke:

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[6] Sabine, for example, refers to "the confusions which abound below the surface of his superficially simple theory." George H. Sabine, *A History of Political Theory* (New York: Henry Holt & Co., 1950), p. 524.

[7] That Shaftesbury was fully committed to the aims of the "Glorious Revolution" is to be seen frequently, for example, in passages such as the following, where he bestows the highest praise on the institutions established by the Whig Settlement: "My zeal for the Revolution, and for that principle which effected it, made me active for the support of the government" (*Letters*, p. 311); and "We have the notion of a public, and a constitution; how a legislature and executive are modelled. We . . . can reason justly on the balance of power and property. . . . By a balance of power and by a restraint of good laws and limitations [we] secure the public liberty." Shaftesbury, *Characteristics of Men, Manners, Opinions, Times, etc.*, ed. John M. Robertson, 2 vols. (New York: E. P. Dutton & Co., 1900), I, pp. 63, 73. Hereinafter cited as *Characteristics*.

[8] There is a single reference in Shaftesbury's *Second Characters* (published posthumously), which will be cited below. But that book comes down to us more as a compilation of notes than in finished form, and so cannot be regarded as on the same plane with those works Shaftesbury guided through the press.

[9] This appears to be the attitude of Basil Willey, who writes: "Shaftesbury adds, in the more sober tone of a disciple of Locke, that we shall best provide against human ambition, not by surrendering to a Leviathan, but by a 'right Division and Balance of Power, and by the Restraint of good Laws and Limitations, which may secure the publick Liberty.' " *The Eighteenth Century Background* (London: Chatto and Windus, 1946), p. 68.

[10] *Letters*, p. 416.

> In general truly it has happened that all those they call free writers now-a-days have espoused those principles which Mr. Hobbes set a-foot in this last age. Mr. Locke, as much as I admire him on account of other writings (viz., on government, policy, trade, coin, education, toleration, etc.), and as well as I knew him . . . did, however, go in the self-same tract, and is followed by the Tindals, and all the other ingenious free authors of our time.[11]

These remarks reveal that while Shaftesbury may have been in general agreement with Locke as to the practical policies of the Whig party, he was far from being his confirmed disciple. He clearly objected to something in Locke which he perceived to be present also in Hobbes.

In the passage immediately following, Shaftesbury makes a bolder charge:

> It was Mr. Locke that struck the home blow: for Mr. Hobbes' character and base slavish principles in government took off the poison of his philosophy. 'Twas Mr. Locke that struck at all fundamentals, threw all order and virtue out of the world and made the very ideas of these . . . unnatural and without foundation in our minds.[12]

Here it appears that in Shaftesbury's view the presumed antagonism between Hobbes and Locke was spurious. Shaftesbury attempts to rectify that misapprehension by effecting a dramatic reversal of their accustomed roles. The burden of his objection is that he saw embodied in Locke's writings certain Hobbesian principles, which, because they were rendered more palatable by being construed to lead to libertarian consequences, constituted a potentially greater danger.[13]

This formulation, besides its intrinsic interest, is noteworthy on another account. It reveals Shaftesbury to have been at odds not only with his Whig colleagues, but also with what in later generations has come to be the accepted interpretation of Locke, especially as he is invidiously compared to Hobbes. What Shaftesbury calls Hobbes's "base slavish principles" have so frequently provoked derision that by now we are rather callous to anti-Hobbesian pasquinades.[14] It is a different case with Locke. History has treated him much more kindly. It is therefore all the more interesting that Shaftesbury saw a danger in those teachings which are now generally regarded as only salutary.

The paramount danger of the new teachings, in Shaftesbury's view, consisted in the threat to "order and virtue." Apparently he did not place much weight on Locke's "laws of nature" as a buttress to virtue. In fact at one point he seems to deny that Locke's was a natural law in the proper sense of the term.

> . . . if you take but any remarkable word of his [Locke], as in particular the word law; which leads him into so many labyrinths, and was the reason why, after having found out other sorts of laws, he wanted a law for fashion and opinion. And this according to him was virtue and honesty.[15]

Locke's teaching, as Shaftesbury understood it, threatened to destroy virtue because it ultimately denied to virtue a natural, non-transitory basis:

> . . . Virtue, according to Mr. Locke, has no other measure, law, or rule, than fashion or custom; morality, justice, equity, depend only on law and will. . . . And thus neither right nor wrong, virtue nor vice, are anything in themselves; nor is there any trace or idea of them naturally imprinted on human minds. Experience and our catechism teach us all![16]

That he identified Locke on this score with Hobbes becomes clear if one compares the above passage to another, from the *Characteristics*, in which Shaftesbury addresses himself to modern philosophers, including Hobbes:

> So far are our modern moralists from condemning any unnatural vices or corrupt manners, whether in our own or in foreign climates, that they would have vice itself

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[11] *Letters of the Earl of Shaftesbury to a Student at the University* (Printed first in the year 1716), pp. 44, 45. Hereinafter cited as *Letters to a Student*.

[12] *Ibid.*, p. 45.

[13] Compare, for example, the following view: "The moralistic strain so significant with Locke is absent in Hobbes' writings." Alan Grimes, *American Political Thought* (New York: Henry Holt & Co., 1955), p. 64; see also C. E. Vaughan, *Studies in the History of Political Philosophy Before and After Rousseau* (Manchester: Manchester University Press, 1939), pp. 22, 23, 51–54, 130–133; and J. W. Gough, ed., *The Second Treatise of Civil Government and A Letter Concerning Toleration* (Oxford: Basil Blackwell, 1946), pp. vii–xxxvi, *passim*.

[14] To illustrate: "[Apologists for Hobbes] are forced by mere shame to disavow his theories." Vaughan, *op. cit.*, p. 53.

[15] Locke, in his *Essay Concerning Human Understanding* (Bk. II, ch. xxviii, par. 7), enumerates three "laws," viz., the divine law, the civil law, and the law of opinion or reputation, which he also calls the "philosophic" law (par. 10). Shaftesbury's criticism here is directed against the third of these which Locke describes as the law by which "men judge whether their actions are . . . virtues or vices." Shaftesbury proceeds to criticize Locke's "law" as follows: "As if writing to the Italian or other good masters, or understanders of music, he had said that the law of harmony was opinion; or writing to the makers or scholars in statuary or architecture, he had said in general that the law of design or beauty in these designing arts had been opinion. . . . Had Mr. Locke been a virtuoso he would not have philosophized thus. For harmony is the beauty, the accord, the proportion of sounds; and harmony is harmony by nature, let particuar ears be ever so bad, or let men judge ever so ill of music. So is architecture and its beauty the same, and founded in nature, let men's fancy be ever so Gothic . . . the same is the case of virtue and honesty." *Letters*, p. 416.

[16] *Letters to a Student*, p. 47.

> appear as natural as virtue, and from the worst examples would represent to us that 'all actions are naturally indifferent; that they have no note or character good or ill in themselves, but are distinguished by mere fashion, law, arbitrary decree'. Wonderful philosophy![17]

Locke, Shaftesbury protested, not only had weakened virtue by challenging its natural basis but he worked further havoc by expounding a morality which would make man servile and mercenary. It is on this point that Shaftesbury turns most explicitly on his former tutor. Shortly after Locke's death a letter of his to Anthony Collins got abroad in which he had restated his moral and religious convictions and said that life in this world is but "a scene of vanity," and man can find real satisfaction only in the consciousness of doing right and in the hope of a future life. Shaftesbury's criticism of the letter is highly revealing. He refuses to see in it the message of a dying philosopher; and takes this occasion to send his disciple a "counter-charge." It is necessary to quote here in full, for these sentences epitomize Shaftesbury's arguments against Locke. "Consciousness," he writes to a friend,

> is indeed a high term, but those who can be conscious of doing no good, but what they are frighted or bribed into, can make but a sorry account of it, as I imagine. The use I would have you make of it [memory] is, that our life, thank heaven, has been a scene of friendship of long duration, with much and solid satisfaction, founded on the consciousness of doing good for good's sake, without any farther regards, nothing being truly pleasing or satisfactory but what is thus acted disinterestedly, generously, and freely. . . .
>
> Thus runs my charge to you: something different (as you see) from the admired one given by our deceased acquaintance [Locke]. Life is vain ('tis true) to those who make it so. And let those cry vanity for they have reason. . . . As for other offices more immediately human, and of the rational kind, such as friendship, justice, generosity, acts of love and such like; the exposing of health or fortune, spending of it, throwing it away, laying it readily down for others—for friends, for country, for fellow creatures—these are no happiness ('tis supposed); no solid satisfaction without a reward. . . . The philosophers of our day are largely given to wealth and bugbears; and philosophy seems at present to be the study of making virtue burdensome and death uneasy. Much good may do those improvers of misery and diminishers of all that is good in life. I am contented that they should cry, Vanity! For our part, let us, on the contrary, make the most of life and least of death. The certain way for this being (as I conceive) . . . throwing aside selfishness, mercenariness, and such servile thoughts as unfit us for this world.[18]

Shaftesbury feared that the teachings of Locke, inasmuch as they resembled those of Hobbes in decisive respects, would lay the foundation for a mill of hedonism, destroying all "disinterestedness and generosity." His perception of this underlying pattern in Hobbes and Locke led him to pass the following judgment:

> Hence Hobbes, Locke, etc., still the same man, same genus at bottom.—'Beauty is nothing.'—'Virtue is nothing.'—But these are the greatest realities of things, especially the beauty and order of the affections. These philosophers . . . may be called by one common name, viz., barbar[ians].[19]

To sum up: As far as I have seen, these are the only utterances by Shaftesbury on Locke's teaching which contain judgments on that teaching. I am unaware of a single statement in Shaftesbury's published works that express agreement with or praise for Locke's doctrines identified with Locke by name.[20] That there are no such passages strengthens the conclusion derived from the above criticisms which Shaftesbury did not intend for the public eye, viz., that Locke and Hobbes were to his mind "still the same man."

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[17] *Characteristics*, I, p. 227.

[18] *Letters*, pp. 345, 346, 347. This critique appears to be in tension with Shaftesbury's previous observation that for Locke virtue had "no other measure, law, or rule, than fashion or custom, etc." But we must remember that in the passage of the *Essay Concerning Human Understanding* to which reference has already been made, Locke admits "the divine law . . . whether promulgated to [men] by the light of nature, or the voice of revelation." Yet this divine law sanctions a mercenary morality.

[19] Shaftesbury, *Second Characters; or the Language of Forms* (Cambridge: Cambridge University Press, 1914), pp. 104–105.

[20] It should be understood that this observation applies to the principles of Locke's teaching; for, as has been shown above, Shaftesbury did agree with Locke on certain practical Whig policies.

TEACHING NOTE

THREE EXPERIMENTS IN POLITICAL GAMING

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Considerable interest has been aroused regarding the simulation of political events through the technique of the "political exercise," a variant of the more traditional type of military "war-game," for the study of international political situations.

For many years models of UN General Assemblies and Security Councils have been held on an intercollegiate basis, and before World War II of the League Council and Assembly. Mock nominating conventions have been held for several decades and have been an important element in the education of students in the national political process. Moot courts have been used by many law schools to introduce students to judicial proceedings and to sharpen their capacity for legal presentation. Graduate seminars in various universities have tried variants of these and other institutional devices to motivate student investigations of particular problems. Last year at M.I.T. in a course on American Diplomacy Lucian Pye and Warner Schilling directed a diplomatic exercise involving a series of simulated crises in the Middle East and Asia. This was run over a four-week period after the students had spent several weeks preparing papers setting forth the main policy goals of a chosen country and an outline of policy for achieving these goals. The crises were brought before the players by means of a "World Newspaper," prepared by the faculty, containing "news items," comments, rumors and "leaks" on various acts or intended moves. Systematic experimentation with political gaming, at the adult level, for the purpose of exploring questions of foreign policy, national interest, and national security for very practical purposes has been tried for some time by the staff of the RAND Corporation. This is described in a Memorandum of the RAND Corporation, released in November 1958.[1]

This paper is a brief report on a series of experiments held at M.I.T. with political gaming on problems of international affairs to see what research and teaching values this technique may yield. One exercise—the so-called Endicott House game—was conducted under the auspices of United Nations Project at the Center for International Studies, employing senior faculty and research personnel drawn from M.I.T., Harvard, Yale, and Columbia. Two other exercises were held under the Political Science Section, drawing upon undergraduates.

The exercise organized by the Center for International Studies revolved around a hypothetical international crisis stemming from the demise of the head of the Polish government. This was fixed a year hence in game time. Game activity involved simulated strategic planning and policy decision by teams representing the principal states of the world, diplomatic negotiation, and both a UN Security Council and a General Assembly session. Playing time was compressed into three days. The experiment was designed to ascertain whether an exercise devoted to role-playing by a group of leading scholars and experts, eminently qualified with respect to knowledge of the national interests and foreign policies of various countries, would produce significant predictive indications about a comparable real-life crisis involving East-West relations. It was also conceived with a view to learning what other "sophisticated" uses there might be of the game technique in studying international affairs, as adjuncts to policy planning, decision-making, or advanced professional research.

The two exercises with undergraduates were focussed upon the Berlin crisis as it existed in January 1959 and again in March and April 1959. The first involved 90 undergraduates from the International Relations course at M.I.T., and was concentrated in a period of one week culminating in a model UN General Assembly lasting the equivalent of one day. The second exercise was held with some 40 political science majors from Harvard, Yale, Dartmouth, and M.I.T. This was played over a six-week period, including two weeks devoted to diplomatic intercourse in which formal notes were exchanged between the seven states represented and missions sent back and forth between the teams. It was brought to a climax with a two-day Foreign Ministers' meeting. These exercises with undergraduates were specifically designed to explore the educational value of political gaming as a teaching device in international relations. In particular, they were viewed as experiments to ascertain whether student role-playing here would yield results of a nature that could not be equally produced by normal procedures of classroom lectures, seminar discussion, readings, or the preparation of individual papers. Other objects were to develop student thinking upon the issues and variety of national viewpoints and possible courses of action entailed in a major international crisis that could conceivably lead to hostilities; and to test out before a student body the popularly held assumption that reference of a Great Power crisis, such as Berlin, to a United Nations meeting or to a high level conference could actually "solve" the problems underlying the surface manifestations of a crisis.

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[1] "Experimental Research on Political Gaming," Social Science Division Memorandum P-1540-RC, dated November 10, 1958 (Santa Monica: The RAND Corporation).

I. THE GAMES IN PLAN AND IN PRACTICE

Selection of the Problem. Perhaps the most difficult preliminary decision in staging exercises of this nature is the choice of the problem; at least this was our experience. In the early planning for the Endicott House game it was agreed that the problem must embrace several features; it had to represent an international crisis sufficiently grave so that governments would predictably react in one form or another over a real-life period comparable to that permitted for the exercise. Secondly, it must admit of diplomatic and political rather than primarily, or purely, military treatment. Thirdly, it should focus on the special areas in which the Center and the main players were best qualified. Finally, it should be relevant to the research project to which it was tied, namely, United States interests in the United Nations.

In the case of the undergraduate games, three additional considerations figured in the choices: (1) the problem should have enough inherent importance to warrant inclusion in a class or seminar in international relations, for the education of undergraduates as intelligent citizens; (2) it should be so exigent that students, in the roles of responsible officers of state, would be quickly challenged to active and imaginative effort; and (3) it should not only be susceptible of student comprehension and rationalization but also demonstrate meaningfully points that had been taken up as theories, abstractions, or historical examples in preceding portions of undergraduate study.

For the senior game at Endicott House, a game based on Poland offered a number of advantages, among them the strong capabilities in Soviet affairs in the Cambridge community and the prospect of confronting experts on such other areas as Arab-Asian affairs with the problem of a highly dangerous situation in Eastern Europe, which is all too frequently minimized in non-European approaches to international political problems. (Among the alternative problems initially considered for the Center game were: revolt in East Germany, Communist take-over in Syria, an India-Pakistani war over Kashmir, nationalization of the Panama Canal, civil war in the Union of South Africa, Chinese attack upon Quemoy and Matsu, renewed Arab-Israeli war, British-Yemeni hostilities, Soviet attack on Yugoslavia, Indonesian attack on West New Guinea, Chinese attack on Hongkong, and a Polish change of regime. Given the criteria specified above, the choices were ultimately narrowed down to the last alternative.)

The problem put to the players at the opening of this game consisted of a change in regime in Poland, involving the formation of a provisional government committed to the holding of new elections and the creation of a rump pro-Soviet regime within the Soviet military perimeter around Legnica. When the game opened, the atmosphere was tense but no irrevocable military or political commitments had been made as yet by the great powers. During the game the basic American strategy was to follow a cautious policy dictated by the primary aim of keeping the Polish crisis localized and avoiding Soviet military intervention. Soviet strategy unfolded, on the other hand, with the prime object of ensuring that under no circumstances could changes be permitted which would take Poland effectively outside the Soviet orbit and the Warsaw Pact. Other teams sought to keep the crisis contained and to urge the principals to seek adjustment by peaceful means.

For the student exercises a number of possible alternatives also were considered. But at the turn of the year, and again in the spring, one issue clearly dominated the international scene: Berlin. This was of such commanding attention in the public mind, and of sufficiently uncertain outcome, that it was chosen for both student games.

The first undergraduate game cast the issue before a UN forum in order to elucidate the powers and limitations of the United Nations for the students; this was the general topic the International Relations course was then considering. Making use of the November 1958 Soviet note to the Western powers, the problem was posed to the students in terms of a hypothetical Soviet note to the Western powers declaring that full control of Berlin and its transportation corridors to Western Germany would be handed over to the East German regime within 72 hours of the commencement of the game unless the powers acceded to the Soviet plan for making West Berlin a "free city" under United Nations cognizance. In this exercise Western strategy accepted the idea of a General Assembly meeting but sought to obtain passage of a resolution that would permit retention of Western armed forces in West Berlin with the blessing of the United Nations. In the end the teams representing the Western powers succeeded—most improbably—in persuading Japan and India jointly to sponsor a resolution for the maintenance of the *status quo* in Berlin until such time as the Great Powers might agree on a German peace treaty. Soviet maneuvering, on the other hand, sought to line up support for passage of a resolution calling upon Western forces to depart Berlin in favor of a UN guard force.

At the time of the second student exercise the world spotlight was concentrated upon the forthcoming Geneva meeting of the Big Four Foreign Ministers. This exercise took as its problem the issues to be discussed by the Foreign Ministers' meeting, and was to culminate in a moot Foreign Ministers' conference. The object was to motivate student exploration of the underlying issues, to illustrate the functioning of an international conference, and to see if, in advance of the real meeting, and with the aid of available documentation and current news dispatches, the students would be able to arrive at an accord on Berlin. The simulated gathering accurately forecast what happened at Geneva in May and June, even to the point of stalemate, recess, and agreement to meet again.

Time Span. An effective political exercise must be preceded and accompanied by a heavy investment of time on the part of those directing and staffing the game, for the selection of a suitable problem, preparation of background papers and documentation, determination of ground rules, arrangement of physical surroundings, supervision of proceedings, umpiring, drafting "news items" to expedite, deflect, or focus game operations on the part of certain or all of the participants, and for a post-mortem to clinch the substantive results or values of the exercise while it is fresh in the participants' minds.

In terms of budget and personnel, a game can be played effectively either with large or small "casts," and can involve a large outlay of money or almost none at all, depending upon the means available, the imagination of the directors, and the level of talent sought. Likewise, the gaming period can be condensed in point of playing time, or it can be conducted with a fair correspondence to the amount of time that would actually elapse in a real-life situation. The time limits available, the relative degree of the players' familiarity with the essential facts and with the policy positions of the states they represent, and the depth of detail it is desired to bring out, are other factors that may vary from one local situation to another.

For the Endicott House game conducted by the Center for International Studies, five days was believed to be the optimum duration for an exercise by experts. The unlikelihood of securing busy specialists of the desired caliber for that length of time, however, set a time limit of three days. Correspondingly, the problem laid before the participants simulated a crisis likely to evoke immediate political and military responses by a large number of countries, rather than a situation likely to develop in a leisurely fashion not demanding worldwide moves and counter-moves in its early stages.

The preliminary estimate contemplated starting the game with a one-hour briefing session and two further hours for players to enter into their roles. It was expected that after lunch on day 1 players would begin to prepare communications, new objective information would be fed in by the Umpires, and that by the end of the first day a UN meeting would probably have been called for. The estimate for the second day anticipated that teams would meet to review the situation, a Security Council meeting would probably be held in the morning, followed by a General Assembly session either on that afternoon or the next day, and that "diplomatic negotiations" would continue until noon of the third day, after which no new information would be brought in. The afternoon of day 3 would be devoted to a post-mortem evaluation of the exercise.

The Endicott House game, as played, conformed generally to this format, even to the several UN sessions. Three major deviations emerged in the actual game: (1) no pause ensued after the initial briefing and before moves were made; (2) little relatively new objective information was introduced by the Umpires (due largely to inventiveness on the part of the players themselves in initiating new "facts" or "reports"); and (3) only part of the last afternoon was available for the post-mortem session. In retrospect, in each case the original plan would have been preferable.

In the student games somewhat different time considerations governed. In the exercise conducted as an integral part of the International Relations course, the game period had to be fitted into other requirements of the course and curriculum. Three class periods were about all that could properly be devoted to one topic, given the other matters that claim attention in a general introductory course. Furthermore, during term time non-major students could hardly be asked to give more than an extra Friday evening and Saturday to game activities. Accordingly, this game was confined to one week. The first class period was devoted to explaining the purpose and procedure of the game, analysing the problem to be dealt with, dividing the class into teams, and handing out the previously prepared background documentation and special reading lists. The second class hour, with the students organized into teams, was devoted to defining the issues involved and the policy problems posed for each particular state, and selecting roles within teams. Before and during the third period each team was directed to prepare a two-page estimate of how it expected the international crisis to develop and a two-page policy memorandum outlining the policy it planned to follow and the principal moves it intended to make.

When the game began, one hour was devoted to briefing on procedure and rules. This was followed by three hours of diplomatic negotiation, stretching over the dinner hour, during which the players remained in role, holding conferences and delegation and bloc meetings. By this time demand was strong for the convening of a General Assembly session (which had been visualized in the announced scheme of the game). This session lasted for two hours before adjournment for the night. In the morning of day 2, before a second session of the General Assembly convened, the teams took an hour to digest the morning "newspaper," which contained new items of information inserted by the Umpires. After passage of a resolution dealing with the crisis, which required about two hours of debate and lobbying, play was stopped and one hour was devoted to a post-mortem on the model of the Endicott House procedure.

In the second student game, for political science majors, much more time could appropriately be allocated; this was visualized both as an element of professional training and as a climax to their more advanced study of international affairs. The participants were usually members of seminars or honors groups already engaged in a study of the substantive problem posed for the game. They could properly and profitably invest a considerable amount of extra class time in background research, policy planning, decision-making, note writing, negotiating missions, and the holding of a high-level conference. Accordingly the exercise was planned to stretch over a fairly long period of time, to allow careful preparation and study as it proceeded: six weeks was allocated to game activity. Three of these weeks were devoted to problem analysis and policy preparation by each team meeting separately on its own campus. Two weeks were then allowed for exchanges of notes and the holding of bilateral and bloc conversations (the latter involving a fair amount of inter-university travel), with the teams then coming together at M.I.T. Two days were allotted for the Foreign Ministers' conference. During this session one part of each team continued to enact the role of government policy makers; some other members of each team engaged in routine diplomatic measures outside the conference with a view to influencing proceedings within it. Finally, two hours were devoted to a post-mortem session, again on the Endicott House model, to review strategies, moves made, lessons learned, and to share criticisms and suggestions.

Preliminary Documentation. In all three exercises, background papers and documentation were prepared in advance by the staff. In the Center game and in the first student game these included: (1) basic "news despatches" delineating the situation confronting the players; (2) a background paper analogous to the kind of historical, geopolitical, and economic brief which an American delegate to the UN might be given along with his position paper; and (3) a short guide to the functions and procedures of the UN. In the Center exercise two additional papers were provided: (4) one entitled "The Armed Forces of Poland and

Soviet Forces in Poland," to summarize for all participants the best available information on this subject; and (5) another entitled "The World at a Glance: September 1959," which sought to portray the salient features of the world at the prospective time at which the game was staged. It should be added that in this game the participants were not told before they convened at Endicott House what problem they would be dealing with. Indeed, great care was taken to keep "cover" on this in advance in order that players' reactions might simulate those of characteristically surprised governments. The only document they were given *before* convening for the game was paper number 5.

In the student games the staff prepared and circulated excerpts from approximately a dozen relevant documents, including the Potsdam Declaration, other Four Power statements, and various directives. These provided all participants with a minimum pool of official documentation. The second student exercise stipulated that the world scene for the game would be what had been reported in *The New York Times* and what might later be so reported, up to the time of convening the moot Foreign Ministers' meeting. All statements and developments reported in the *Times* were considered binding upon all teams. This made it unnecessary to prepare and circulate papers (1) and (2) mentioned above. A brief paper on procedures in foreign ministers' gatherings was also prepared and circulated.

Format. The plan for the game conducted by the Center envisaged three separate formats running concurrently or consecutively: bilateral diplomacy, a meeting of the Security Council, and a meeting of the UN General Assembly. In a three-day period no one of these could be comprehensively explored, and probably none would be entirely satisfactory as a genuine reflection of reality. But as an experiment it was justifiable to run the three formats, however unsatisfactorily, in order to give some guidance for the future. As the game developed, they did indeed materialize and no special stimulation was needed, save that during the first day the Umpires introduced a second issue into the playing—a crisis in Jordan—primarily to bring into activity many of the Afro-Asian representatives who were left with very little to do while the Great Powers wrestled with the initial stages of the Polish problem, but also to reflect the sort of two-ring reality one recalled from October 1956. Without this second crisis the players themselves might not have sought the first UN session that was held.

The experience gained in the Endicott House game served as a guide in planning the two student exercises. The more limited background of the student participants made it desirable to use no more than one format beyond the national planning and routine diplomacy stages, lest student effort be spread too thin in the day and a half or two days available for the conference stage. We wanted to concentrate their attention on the decision-making process as well as to expose them to diplomatic role playing. With enough time, however, there is no reason why students should not go through the three formats used in the Endicott House game. This indeed was attempted at the Model United Nations held at Montreal in the spring of 1950.

Briefing and Umpires. In our judgment a briefing of all participants by a director is an important element in starting off the collective phase of an exercise in the right direction and spirit. This should normally include an outline of the nature and purpose of the game, the physical arrangements and the ground rules for its conduct. It allows an opportunity to clear up questions about the statement of the problem. It can also provide a convenient opportunity for introducing the Umpires and clarifying their role, and for stressing the importance of players remaining in role throughout the game.

It was found helpful in our exercises to point out some limits on the reality-nature of the game: for example, detailed intelligence estimates are not available to each team, which must therefore supply its own internal intelligence; and in general the teams can only approximate their bases for decision and negotiation. It also seemed wise to discourage the players from precipitating an all-out war response to the situations if other responses appeared at all possible. At the same time we stressed that "natural" reactions were desired.

No doubt a successful exercise could be conducted without the presence of Umpires. In our opinion, however, an Umpire (or Umpires) can be most helpful in furthering the objects of a game. An external authority brought in for this purpose lends both an air of impartiality in judging moves and an element of distinction as well. The Umpire passes upon the plausibility of teams' moves. In general, Umpires should be permissive rather than restrictive in their rulings. But occasions may arise (and did in our three exercises) where the Umpires have no doubt in their minds that proposed moves by one team or another are quite unlikely to be made in real life by the governments simulated. In such a case the Umpires recommend that the team reconsider its plan and come forward with another proposal. When the gaming reaches a UN or conference phase, the Umpires need the authority to interrupt the debates to recall a statement or proposal. In some circumstances they may call for a short recess to give one or more teams time to recast its strategy or tactics.

A second function of the Umpires in our games was to hold themselves available for advice and consultation when teams were in doubt on possible moves. Our Umpires were highly informed on at least some aspects of the problems posed in the exercise, and this proved most useful and constructive. A third function which an Umpire can perform to great advantage is to act as "Nature," inserting new "facts," passing on confidential information from one party to another, playing the role of a party not otherwise represented in the exercise, or leaking rumors of anticipated team moves in order to speed up action or lend an air of suspense. The three M.I.T. games reported here showed that, once the chain reaction of response got underway, two Umpires were needed to keep up with the task of passing upon the flood of proposed moves. Indeed, it was necessary on several occasions to halt further moves for a half hour or more in order to permit the secretariat to duplicate public moves and to allow teams sufficient time to digest the flow of information reaching them.[2]

Other Devices. In all three exercises we found it desirable to have the participants reduce all proposed moves to writing in one or at most two short paragraphs. This facilitated the task of the Umpires in clearing moves, helped the teams clarify for themselves their proposed actions, enabled the secretariat to reproduce those moves intended for general information, and built a record for review after the close of the game.

A "newspaper" was prepared and issued at intervals in each game to inform the players of public moves by other teams, to insert "news" items desired by various parties, and to circulate new "facts" or information released by the Umpires. News items were customarily identified as to source in the usual ways. "James Reston," "Walter Lippmann," and other news columnists were occasionally simulated to comment on developments or introduce important ideas. Items from "Our Diplomatic Correspondent" were often employed for trial balloons. The newspaper was prepared by a faculty group and distributed by a central "communications office" to ensure that all were informed. Public intelligence of this character was supplemented by private notes and information exchanged between delegations.

One interesting aspect of the role-playing lay in the tendency of some players to "play-act" as well as "role-act." This did no harm, was probably desirable, and was, in any event, almost impossible to prevent. It did, however, add to the time consumed, both in written communications and particularly on the floor of the United Nations meetings. On balance, a certain amount of histrionics is doubtless a necessary price for authentic role-playing, and within limits it should probably not be discouraged. To add flavor to the games, a few participants occasionally spoke in a foreign language and the directors arranged in advance to provide expert translations.

To further the purposes of the exercises, the participants in each of our games were encouraged to sub-divide their teams, which numbered seven or eight players each at most, to personify the roles of foreign ministers, defense advisors, parliamentary opposition, envoys, public or Congressional opinion, and information officers.

The amenities of the physical surroundings had a bearing upon the effectiveness of the gaming. If the teams are forced to operate in too close proximity to one another, as by sharing offices or having to engage in diplomatic conversations in crowded hallways, this can deter or complicate effective role-playing and the maintenance of adequate security. Moreover, it can unrealistically speed up the dimensions of time: *e.g.*, an instruction given to an ambassador to call on a Foreign Minister can be completed, including a report "home," within ten minutes or so. Likewise, a profusion of telephones, handy devices for some purposes, can so telescope contact time between "governments" as to produce congestion and general confusion. In our first two games, conducted in each case within the confines of one building, the ease of negotiating with all countries in the world simply by knocking on a few doors up and down a corridor was, in retrospect, far too great. It produced both a lack of realism and often an unmanageable compounding of demands upon the key teams. One of our most vivid recollections of the first student exercise is of one "Ambassador-at-Large" who spent most of an evening rushing frantically about the corridor from one delegation to another seeking information, carrying notes, or simply "contacting" people. His well-meant but ill-controlled energy nearly drove some of his peers to distraction. On the other hand, it should be inserted in the record that in all three exercises some of the less involved teams and players suffered ennui from lack of sufficient attention or scope for action.

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[2] At the Endicott House game, Paul Kecskemeti of the RAND Corporation, an authority on Central and Eastern Europe and on political gaming as well, served along with one of the authors as Umpire. His recognized knowledge on matters both of substance and procedure proved to be most helpful throughout this experiment, and particularly in the post-mortem at the close. In the first student exercise another senior member of the RAND staff, W. Phillips Davison, acted as Umpire along with Ithiel De Sola Pool of M.I.T. For the intercollegiate exercise, also on Berlin, the Institute was fortunate in securing John C. Campbell, Director of Political Studies at the Council on Foreign Relations in New York, and David E. Linebaugh, a Foreign Service Officer and formerly First Secretary of Embassy at Bonn, as additional Umpires. The presence of these authorities contributed greatly, in our judgment, to the seriousness with which the students applied themselves to the search for appropriate courses of action in the exercise.

Members of the faculties from each of the participating institutions functioned in the role of expert advisors to the various country teams in the student exercises, and were a distinctly helpful accompaniment on many occasions. To add additional distinction and expertise in the first student exercise Rupert Emerson of Harvard University acted as "President of the UN General Assembly." At the Endicott House game Oscar Schachter of the United Nations Secretariat came to Cambridge to act as "UN Secretary General."

At the third exercise, in a move toward realism, the "Foreign Ministers' meeting" was convened in a building situated two blocks from the various "government" headquarters, in order to simulate something of a "Geneva setting" and to pose some communication problems. Some of each team remained "at home" to carry on background planning, policy decision and routine diplomatic negotiations, while the remainder accompanied their "Foreign Ministers" to the conference to act as staff members. The staff groups communicated with the home offices, informing them of developments at the conference table and receiving instructions to be conveyed to the Foreign Minister. The physical separation helped to infuse a measure of realistic long-range communication. But at times those who were in charge of the "home offices" had insufficient to do, felt left out of the exciting part of the game, or tended to busy themselves with extraneous details. Given more game time, and perhaps the insertion of additional crises in other parts of the world, such shortcomings could no doubt be overcome.

Post-Mortems. Each of the exercises at M.I.T. was concluded with a post-mortem review and critique lasting from one to two hours. This took the form of getting the participants to fill out two questionnaires, a brief one immediately after the close of playing and a more extended one to be completed within a few days, and a round-table discussion of strategies, accomplishments, failures, lessons learned, and suggestions for improvement.

The short questionnaire asked the players to state what they thought the objectives of the principal teams had been, to indicate whether they thought the use of force had been contemplated by any of the parties at any stage of the game, and to state in what ways the actual unfolding of the crisis departed from their original estimate. The longer questionnaire asked for comments on the usefulness of the game, criticisms of its organization and procedure, and suggestions for improving such exercises both as a guide to the elucidation of substantive problems and as an educational device.

II. SOME LESSONS LEARNED

Purpose. Any future exercise should have a *specific* purpose and, at least at this stage of the art, should be custom-tailored to fit the purpose, circumstances, group, problem, and available resources. Even the pilot game at Endicott House could have benefited from some more precise question than "Is gaming useful?" in order to sharpen standards of judgment.

Three possible uses of games on the Endicott House model are: (1) to teach undergraduates, graduate students, or young teachers of international relations more about the dimensions of policy-making and decision-making and the diplomatic process than they can learn from books or lectures; (2) to give the diplomatic or military staff trainee a foretaste of the inter-relationships and skills demanded under acute operational pressures, that may otherwise seem abstract during his training process; and (3) to furnish a check for the research scholar or policy planner against which to measure estimates, plans, and analyses drawn up by more conventional methods. Each of these purposes raises questions which the exercise should answer. Relating purpose to result, it might be possible, for example, to score the performances of groups or individuals.

In this connection, the analogy with purely military "war games" is imperfect. The latter are relatively easy to score since the purpose is to train personnel and, in doing so, to see who "wins." Apart from the question of whether anyone "wins" in the field of diplomacy, a political exercise focuses more interest on "seeing what happens." Skill at devising optimal strategies could of course be scored, and at a more subjective level, skill in actual performance. Such scoring would doubtless be applicable only in teaching or training situations.

Problem Choice. The issue chosen should be substantial, realistic and susceptible of a variety of alternative treatments by various states. This limits the selection to clearly controversial questions, involving important decisions of policy and strategy. An issue of vital concern to only two states may be chosen if only two teams are to engage in the exercise. But it is not conducive to interested participation if numbers of teams are left with little or nothing to do. A past, present, or future time scene can be adopted, and there are arguments for each. In general, a problem that is current or apt to come up within a foreseeable period seems likely to produce the maximum interest and motivation on the part of students.

Whatever venue and time-span the problem may have, it is vital that the problem be chosen with care, the procedure of the exercise carefully plotted out in advance, ground rules determined, adequate attention given to conducive physical surroundings, provision made for distribution of necessary documentation not otherwise readily available, and plans for the post-mortem drawn in advance. Directors of exercises, whether faculty members or others, must be prepared to put in a large amount of time and effort to plan the host of details involved. Permission can usually be obtained from the larger newspapers to reproduce documents or pertinent news stories. Embassies in Washington or UN delegations and information offices in New York can be helpful in assembling multiple copies of reference articles and documents.

General Conduct. Another essential, in our mind, is the maintenance of discipline throughout the proceedings. The playing should be kept within the agreed rules; it should not be allowed to wander or degenerate into frivolity. For this purpose a faculty adviser for each team or group of teams and expert Umpires are most helpful. Finally, if an exercise correlated with an academic course is to serve its fullest instructional value, the instructors should take time to relate what is done in the exercise to the over-all content and objectives of the course. Only in this way will the fundamental lessions which the exercise is designed to teach be driven home to a class as a whole and given lasting educational value. With such precautions and follow-through, we believe that a political exercise of the nature described can produce tangible results over and above what can be taught and learned about politics by more usual methods of instruction. We are sufficiently convinced of the productive results to have decided that this technique should be tried, on varying bases, in other courses, and be made more or less a standing part of the curriculum in International Politics and American Diplomacy.

Types of Games and Their Uses. Generally speaking, the *use* intended for a game will probably determine its *type*. The Endicott House and M.I.T. class-type games are playable in two general ways. One is the way they were played, as *reality* games seeking to simulate a real life situation as faithfully as possible. This kind of game asks, for example: "How would the U. S. Government be likely to respond in such a situation?" This variety would seem to lend itself not only to undergraduate teaching purposes, but also to the training of apprentices in the field of foreign relations, *i.e.*, young teachers and scholars, and possibly junior FSOs and military officers. By simulating the actual environment and thereby making the subject matter come alive, the game exposes the student or trainee to a form of reality characterized by pressures and tensions that are real, at least for the player, and its chief value lies in the personal learning experience for the individual. The *crisis* type of situation is ideal for the reality game, both for the atmosphere it generates and for the economy of administration inherent in its relative brevity.

A variant of the reality game is the *normative* or *optimal strategy* type, in which the object of one or more teams is to take initiatives and develop responses that are not necessarily characteristic of their real-life governments but rather seek to improve upon them.[3] Such a game has its emphasis on *ideas* rather than on stimulated reality as such, but it uses that environment as a means for subjecting the ideas to test and strain. It asks the question "What alternative strategies might the United States follow in such a situation, and which appear to be optimum in the light of the reactions elicited?" Such a game might as well focus on a *non*-crisis situation. Its purpose is to carry a policy idea as far as possible beyond the point of genesis into its ramifications by testing it out against a number of divergent personalities and conflicting strategies, some of which may be antipathetic or hostile; it uses the simulation technique in order to enhance the dynamic quality of group collaboration. The outcome of such a process would not necessarily be that contemplated by the inventor of the idea, and therein would lie its chief value to scholarship or policy planning. The optimal strategy game seems to lend itself first of all to policy research or planning, but it might also be suited to teaching and training of students at a postgraduate level, with the purpose of developing greater perceptions and skills in the analysis of policy problems.

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[3] For a more rigorously structured approach to political gaming, emphasizing methodology and drawing more on the mathematical theory of games, see Harold Guetzkow, "A Use of Simulation in the Study of International Relations" and also "Limits and Potentialities of Inter-Nation Relations through Complex Organizations," Program of Graduate Training and Research in International Relations, Northwestern University (mimeo.).

An analytical or planning purpose will go far to determine the exact nature of the *problem* around which a game is built. But if the choice is not so dictated and the purpose is the more general one of simulation for pedagogical purposes, our own experience suggests that a brink-of-war problem (such as the Polish situation we posited) tends to restrict severely the options for the policymaker. It allows less latitude for imaginative and creative strategies than would a problem of somewhat less immediate gravity. By so limiting the options, this kind of game may well also limit the highly valued quality of unpredictability, suggested as a criterion at the outset.

Balancing this, however, is the contrary notion that such a problem can teach a great deal about the *limits* of official action and about the framework of *responsibility* which perhaps represents the most acute environmental difference between the policymaker and the scholar or student.

An alternative approach to the selection of a problem is to replay a *past* event, rather than peer into the future, to learn more about "what might have been." Obvious examples are the Suez and Hungarian crises of 1956, replayed against a realistic setting but with the US strategy varied to encompass different objectives.

Use of the game for analysis of foreign policy problems warrants some more detailed comment. Here the game would be a kind of dry-run "sequential" testing ground for hypotheses and recommendations about governmental behavior and performance that are developed by more conventional methods of research or planning. Its aim is to provide the policy researcher or planner with another alternative as a helpful corrective to the sense of "inevitability" often engendered.

It would be highly desirable to have an individual analyst prepare in advance of such a game a written estimate of probable developments and reactions in the given situation. In addition, a parallel analysis might be made by a group utilizing customary research or planning methods of team discussion and conferences. This latter group might or might not try to "play roles" in its discussion, but in any event such role-playing would not reach the point of "critical mass," so to speak, at which roles tend to take over the participants themselves, as in the game.

Such a game would be designed to check assumptions and conclusions bearing on a given policy situation which were arrived at by the other methods. It could take the form of a straight reality game, a reality game with replay of alternative strategies by one or more teams, or a modified optimum strategy game with perhaps only the US team permitted to experiment with *deviant* strategies against realistic performance by all other teams.

Several caveats come to mind at this point. The political exercise seen as an individual experience does not seem valuable for practitioners of foreign policy. This kind of operation is their *métier;* they do not need simulation. This is particularly true of a straight reality-type game. The same observation also applies to mature private specialists, scholars or commentators, who are engaged less in developing theoretical models than in attempting to analyze and interpret the reality of international life. But even for the latter the game does supply a personal kind of experience of self-awareness, as one player phrased it, and of a heightened sense of reactions produced out of the dynamics of the game. It also can increase the scholar's appreciation of the operator's predicament and of the extraneous issues that tend to impinge on him.

A word of caution should also be said about so-called "predictive" uses. The notion itself is obviously fraught with danger in that, although the game is theoretically a source of future estimates, it does inescapably distort reality. Moreover, there is no assurance that the reactions of a group of sane, rational, and presumably thoughtful and well trained American scholars, however dramatic their role-playing, are necessarily identical with the reactions of other kinds of political mentalities trained in other cultures and subject to other kinds of pressures.

In the Endicott House game some members of the Soviet team found their roles quite difficult to play. It is not clear whether this difficulty is built-in, so to speak, and could be remedied only by having actual nationals of the countries concerned act out the appropriate parts. This should perhaps be experimented with. It might also be that something useful about the limitations of our analytical equipment can be learned by studying the difficulties Americans experience in "projecting" into Soviet (or other) mentalities.

It is beyond the scope of this paper to suggest detailed arrangements for carrying out the various types of games discussed above. There is a broad spectrum along which different types of games can be matched up with different kinds of format. A few general comments follow.

The detailed scope and construction of a game depends not only on its primary use but on its subsidiary purposes as well. A "reality" game which sought to teach or train by simulating a UN phase would, for example, require more teams and personnel than one which aimed at exposing the national decision-making process. In the latter the scope would be narrower, and tend to resemble one RAND game in which only three teams were used—the US, Western Europe, and the Soviet bloc. In this game RAND also set up a "Nature" team which generated information and policy purporting to emanate from the rest of the world. In this case the emphasis was less on generalized interaction than on specific and detailed strategic moves and countermoves between the three groups. Because of the emphasis on internal policy-making and strategy, and because in this kind of game more material would doubtless be committed to writing, the individual teams should be larger than, for example, the five-man Soviet team at the Center's UN exercise.

Another dimension is depth. Is the purpose to emphasize the group dynamics, that is to say, personal interaction in the game which gives the players—whether students or teachers—a heightened sense of participation and of responsibility, and of having to respond under pressures to events which they might otherwise approach in a more leisurely fashion? The United Nations format is obviously very useful for this purpose since it emphasizes the dramatic quality of diplomacy and the force of personality of the statesmen. Is the purpose to develop better analytical insights into policy making and strategic interaction? Here a different format might be better for policy analysis and the testing of strategic hypotheses, subject to the caveat that reality and sound analysis might still leave open the the possibility of UN meetings even though the format is designed for a more intimate (thus less multilateral) plane of exchanges.

A final observation has to do with the *military* aspect of gaming. All the comments in this paper relate to a *political* type of exercise in which the military component is limited to strategic estimates or, at the most, to local minor military activity which is not the centerpiece of the game. A tack that might be well worth exploring would involve a combination of political gaming and tactical military gaming. A problem of limited war might conceivably be played through successive political and military phases, each utilizing the most appropriate gaming techniques but each also forming part of a larger whole.

III. AN OVER-ALL JUDGMENT

In our judgment both the Endicott House exercise and the student games were qualified successes. It would be presumptuous to draw too many inferences from these three samples as to the utility of gaming in general, although some impressions do come to mind.

Although the students who participated in the two exercises on the Berlin problem at M.I.T. in 1959 generally felt that the problem had more ramifications and complexities than their limited backgrounds of knowledge warranted judgments upon, or than could be reasonably debated in two days of a moot General Assembly or Foreign Ministers conference, in each case all but one agreed that the experience had given them insights they could not have obtained from normal classroom work.

Is there a law of diminishing returns affecting game participation? It can be argued that once one has played in one or two games the lessons taught by participation have had their effects and little more is to be gained. On the other hand, each situation can, particularly at the undergraduate level, offer sufficient diversity of experience to make a number of games valuable to the participant. One game may involve a United Nations situation, another a simple day-to-day policy situation. Problems need not be limited to those of international significance. Congressional or domestic circumstances show some promise of adaptability to the gaming technique. Few people have an opportunity to experience such situations without long years of training. Simulated experience for the student of political science is a form of vicarious learning seldom afforded by the more orthodox teaching methods.

The political exercise is by no means a substitute for systematic rigorous analysis by teacher and student in either international or domestic politics. Indeed, the gaming technique should be used only after the student has had extensive reading and thorough instruction on the political process, the nature and operation of institutions and laws, group dynamics, and the substance of political problems themselves. Otherwise the gaming is likely to become artificial, pursued largely on the basis of hunches or intuitions rather than of knowledge and understanding.

The question must be faced, of course, whether the end results will be worth the sacrifice of regular class, seminar, or extra student time. At the same time, the instructor must weigh the over-all goals of a course in politics. Finding the appropriate balance involves many intangibles that will vary from course to course and institution to institution. Teachers of International Relations, Politics, and Organization generally can afford to experiment considerably more than they have in the past with the use of political exercises of the sort attempted here at all levels—faculty, research staff, and student—in undergraduate courses, graduate seminars, and in connection with professional research projects. In our experience the inter-university facet of the March-April exercise contributed greatly to the spirit of the game by establishing an added dimension of competition that in student minds bore some resemblance to the competitive element of international politics.

Reality can of course only be simulated in a game. A single scholar or analyst can seek to evoke reality; but group operation brings to analysis of foreign policy problems two prime values: the simple benefit of interaction between several minds, and the more complex benefits flowing from the dynamics of such interaction. In a role-playing game the interaction generates a self-sustaining reaction that develops its own momentum and course independent of the limits or boundaries with which the analyst starts out. Inherent in this process is the potent challenge of unpredictability and the equally potent value of exposure to the antagonistic will of another who proceeds from entirely different assumptions. Neither of these factors can be derived from solitary meditation or cooperative discussion. In this sense an affirmative answer is possible to the general question "Is political gaming useful?"; and this conclusion emerges as the clearest finding from our experimentation.

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BOOK REVIEWS

The American Science of Politics. By Bernard Crick. (Berkeley and Los Angeles: University of California Press. 1959. Pp. xv, 252. $5.00.)

It is an old tradition with us that Americans deserve and profit from a sound spanking at the hands of our elders and betters abroad. We are young Colonials who have much to learn from the experienced and sorely tried of Europe. We have a well-tended inferiority complex in matters of the higher learning. If the peace and politics of Europe break down from time to time, even that is in good part the calamitous result of our failure of understanding. By mid-twentieth century, it may well be time to have done with this, which so persistently lingers in our intellectual stance. Yet we must keep a reasonably humble ear cocked overseas. There is a measure of sense in the arrogant outbursts of foreign observers like Crick. They are more brutal with us than we are apt to be with ourselves.

This book is "a critical history of an idea in a particular country, not of a discipline or profession." (p. v) By the time we are through with it, the indictment reads pretty broadly of American political science from first to last. The idea, if one can in fact sort out a single one, is that scientism in political science was pre-ordained from the historical circumstances of the young Republic. This came about because of the character of American liberalism and of our political history. The main elements include the following. We have had, throughout our history, an underlying consensus that made unnecessary an examination or re-examination of basic political questions and values. Our culture has joined an atomic individualism with pressure for uniformity. We have a tradition of anti-traditionalism. Our political system has, until after War II, enjoyed an isolation that made unnecessary any thoughtful response to external political pressures.

An early consequence of these circumstances was a political science focussed on citizenship training. The deliberate political arrangements of the newly fabricated federalism were taught as universal, self-evident propositions of a science of politics. Through mid-nineteenth century the task was to teach what the constitution and the laws actually were, guided by a complete faith in the harmony of idea and practice. With the growth of the secular universities after the Civil War, political science included a practical application of historical lessons with a continuing stress on citizenship, national unity and, borrowing from France, a training for the public service. There was no crisis such as to require a true political philosophy, but there were "enough frictions of adjustment and growth to make a formal political science seem needed." The need was for problem solving "so as to maintain the validity of the old beliefs in new circumstances." (p. 36) At the end of the century, political science absorbed from the culture "theories of a necessary progress and of a therapeutic science of society." (pp. 37–38) In the Progressive Era after 1900, the profession sought to purge itself of theology, ethics, patriotism, Bentley's "soul stuff," and focussed on practical problems. Reform was a matter "of personal honesty and pragmatic devices to make an agreed system work better. . . . It did not need to take sides in anything more fundamental than an advocacy of administrative reform and probity in politics." (p. 82) "General theories, not merely metaphysical but also scientific, were crowded from the field, or rather, pushed back into the subconscious. . . . The prior importance of theory to observation scarcely occurred to them." (p. 92) Crick will allow that Wilson, Lowell and Beard had a sense of larger meaning and saw the danger "that realism would topple over into scientism." (p. 106) But he has no regard for what Bentley attempted. He attributes to Bentley rather more Progressive optimism and wish for equilibrium as a value than may be warranted; and he misses the Protean character of the notion of "group" in the analytical scheme. Crick writes as though the idea of group was limited to the organized interest group of pluralist pressure politics, and judges Bentley not by the usefulness of the concept for analysis but wholly by Bentley's exclusion of historical and philosophical considerations. Here, as elsewhere, Crick gives little thought to the strategy of a science or to the possibility that science may proceed by alternating, exaggerated steps. That Bentley devoted some effort to rejecting the philosophical is enough, or rather too much, for Crick.

The last hundred pages are largely concerned with the work of Merriam and Lasswell. Not without some justification, he describes much of Merriam's work as a kind of scientific revivalism, preaching with unflagging urgency the need for science to preserve the liberal society from disaster. He notes that Merriam did little himself, even of a methodological type. But he seems to make Merriam in good part responsible for the 1930's generation of political science teachers, with no knowledge of even American political history or philosophy, whose only equipment was research techniques. "They became less and less inclined to think through or even to recognize beliefs that they took for granted, beliefs that in fact gave their 'objective' research a moral and a democratic bias." (p. 157) There is much truth in all these observations. But the chapter is so pretentiously not unkind that it becomes outrageously condescending. Here, more clearly than before, the author shows that he has not sufficiently engaged himself in the struggle for a more adequate discipline to have much sense of proportion in judging the positions men took in the past two generations or the contributions they made. His time perspective is unrealistic. After Merriam, he examines only Rice, *Quantitative Methods* (1928), and *Methods in Social Science* (1931) and the several conceptual schemes promoted by Lasswell. More than that has happened in the last thirty years. More than thirty years may be allowed for judging the consequences of Merriam's teaching. Despite this, Crick not unreasonably concludes of Lasswell, "If one is not really alarmed at the totalitarian implication in Lasswell's manner of thought, it is because one does not take it seriously, because one believes it to be impossible to apply." (p. 208) He is, if anything, rather tender with Lasswell's endless agenda. In the penultimate chapter, he presents rather gracefully, and as an example, "a theory of politics that is meaningful" from de Tocqueville. (p. 225) A great mountain of scientism does not come off well in the comparison.

So the familiar debate is carried on another round. The defects of the book are several. For the earlier materials, Crick relies on a very few secondary sources. A solid piece of research in original sources would have been a useful contribution, particularly as his treatment of the late nineteenth century is extremely familiar stuff for all of us. For the contemporary materials, Crick simply has not done his home work. Even in the literary-historical style of the author, it is not enough to make Bentley and Lasswell stand respectively for their generations. In the last chapter we have some titles which Crick regards as solid, but "special studies" (pp. 228–229), and it is "rare to find in them any sense of their relationship to American politics as a whole." With a careful or negligent perversity he gives us Herring's *Group Representation* (1929), but not the *Politics of Democracy* (1940) or the *Presidential Leadership* (1940); Odegard's *Pressure Politics* (1928) but not Odegard and Helms, *American Politics* (1938); Holcombe's *Political Parties of Today* (1924) but not *Our More Perfect Union* (1950). Nor is it sensible to tick off "special studies" as missing the important things. Perhaps he has to adopt this specious proposition, as the authors are largely uninfected by scientism and his case falls apart if he does not find some ground for rejecting them. It is not compulsively scientific to ask that the historian of an idea familiarize himself more responsibly with the work he is criticizing.

What keeps this pot boiling in our generation is the insistence of all hands on arguing for too much. On this count, Crick is no improvement. His historical theme is interesting, though not closely reasoned or conclusively demonstrated. His insight is valuable that liberals sought security in scientism for their frustration in Progress. He is discouragingly right in arguing that the scientism school have deceived themselves in trying to reject the historical and philosophical from the study of politics. He is altogether safe in saying that there is no such thing as *the* scientific method, that the verification techniques of the natural sciences applied to social phenomena "drastically limit the range of propositions that we do in fact regard as important," (p. 226) and that political theories "are inextricably interwoven with a moral viewpoint." From these three clinchers he concludes that "the idea of a science of politics . . . is not to be understood in terms of a perversion of scientific reasoning, which has an integrity of its own, but as a caricature of American liberal democracy, a growth on it, when it loses touch, by scorning history and philosophy, with its roots: the protestantism of conscience against mere power." (p. 227) A reasonable strategy of systematic inquiry need not lead to such malignancy. Crick has largely omitted the work of American political science that does not provide drama for his theme.

OLIVER GARCEAU.

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Introduction à la Science Politique. BY JEAN MEYNAUD. (Paris: Librairie Armand Colin, 1959. Pp. 369.)

The battle for the development of political science in post-war France is a fascinating story of hard work and academic politics. The Fondation Nationale des Sciences Politiques created in 1945 has fought to win for political science as a department and as a field of research a status of autonomy which was resented by the law schools. In 1954 the latter, applying the familiar principle "if you can't beat them, join them," introduced into their curriculum a course on the methods of political science along with other political subjects. One of the results of this competition has been the simultaneous publication of three books dealing with the scope, methods and problems of political science. Two of these books are texts written for the new law school curriculum. One of them is by Georges Burdeau (*Méthode de la Science Politique,* Paris, Dalloz, 1959), who has remained pretty much on the law school side of the fence, although he is the author of a seven-volume *Traité de Science Politique* (of which volume V, devoted to the liberal state of the nineteenth century, is a masterpiece). The other text is by Maurice Duverger, who has a foot in each camp (*Méthodes de la Science Politique,* Paris, Presses Universitaires, 1959). The author of the third volume, Jean Meynaud, is the vigorous first Secretary General of the Fondation des Sciences Politiques.

The three authors agree on two points which are indeed vital for the healthy growth of a discipline that has long remained somewhat underdeveloped in France: the need to separate political science from political philosophy so that factual research would not continue to be the stepchild of normative reflections or "moralism," as Meynaud calls it, and the need for causal theory so as to avoid "hyperfactualism." The authors also agree on a definition of the discipline close to the one David Easton gave in his *Political System.* But here agreement ends. Burdeau denies that political science should be centered on the observation of reality; he wants it to be the intellectual synthesis of materials provided by other social sciences, and he devotes most of his book to highly general and abstract speculation about key concepts and to the wordy presentation of sweeping, untested hypotheses, some of which would be hard to test and all of which are based on what is in fact a very elaborate political philosophy. On the contrary, Duverger and Meynaud are convinced empiricists who believe in an increasingly "scientific" discipline capable of making meaningful predictions and generalizations about political behavior. Meynaud even states that "a complete model of the political process" will be established some day.

Whereas Duverger's text is mainly a detailed description of the tools to be used for such empirical research (interviews, content analysis, opinion polls, quantitative methods, charts and graphs) and has what I would call a cookbook flavor, Meynaud's work has a different objective. It is a discussion of methodology, not a survey of techniques. He points out the present weaknesses of the discipline and "the main tasks to be undertaken if one wants it to pass from the state of approximation to that of theoretical formulation." Thus, he surveys the various types of theoretical hypotheses, the discussions concerning the scope of the discipline, the various approaches to political science, traditional as well as quantitative research methods, the relations between political science and the other social sciences, and the practical uses of the discipline.

The author's battle for emancipation from the law schools is reflected in his critique of the institutional approach to politics. His familiarity with American political science is as thorough as Burdeau's ignorance and misunderstanding of it are startling. Meynaud finds much to learn from the American view of politics as a process, from the concept of the group basis of politics and from the American search for conceptual frameworks. But he is far from blind to the flaws of American political science; thus he justly criticizes the comparative method which either refrains from comparing or uses heterogeneous categories, and the tendency of many American social scientists to take the American social and political system as the norm for analysis and evaluation.

He carefully lists the limitations or dangers of theoretical hypotheses, quantitative methods, borrowings from other disciplines, and present attempts at predicting or at influencing policy-makers; he thus avoids the errors of extreme behaviorism. But he sees in those perils no reason to give up the battle for a more scientific political science. In the course of his discussion he suggests numerous directions of research, such as the problems of leadership, the study of rumors, political biographies, the largely unexplored question of the levels of participation in political activities, the study of political change, and so on; he also describes areas for joint research by political scientists and economists. Throughout, he emphasizes the need for both theoretical elaboration and factual research, and for keeping each one from outrunning the other—a position close to C. Wright Mills' in his *Sociological Imagination.*

I have only one quarrel with this shrewd, wise and timely work. Meynaud's dismissal of political philosophy seems a bit rash to me. I understand his reason: "moralism" has indeed thwarted the development of empirical political science in France. However, although a division of labor between political philosophy and political science is necessary within the house of politics, it seems excessive to expel the former and to ask it to live its own life somewhere else. There should be room for both Burdeau and Meynaud, Duverger and de Jouvenel in the realm of French political studies.

STANLEY HOFFMANN.

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The Campus and the State. BY MALCOLM MOOS AND FRANCIS E. ROURKE. (Baltimore: The Johns Hopkins Press. 1959. Pp. xii, 414. $6.00.)

This volume is the staff study by two Johns Hopkins political scientists for the Committee on Government and Higher Education of which Dr. Milton S. Eisenhower served as chairman. The Committee was proposed by three organizations concerned with state universities and was made possible by a grant from the Fund for the Advancement of Education. The briefer report of the Committee itself has already appeared under the challenging title: *The Efficiency of Freedom.*

The campus here involved is that of the state university—those of ancient lineage who boast of their inheritance under the Northwest Ordinance of 1787, those who came into existence or flourished after the passage of the Morrill

Land-Grant Act of 1862, and those of more recent origin who are now shedding the shackles of teacher education or who are pioneering new services. The state here involved is American state government, that sovereign of residual power whose unhappy fiscal history is equalled only by its reluctant response to new social challenges.

Moos and Rourke are concerned with a subject which might well have intrigued the interest, and occasioned chagrin, of political scientists long before this. Certainly a substantial number of our brethren practice their profession in state sponsored universities. Their professional opportunities are inextricably interwoven with the academic and institutional well-being of state higher education. Yet to the best of my knowledge here is the first volume in which two political scientists—to ensure their objectivity they practice their profession in a great privately sponsored university—turn their interest and technique specifically upon that important phenomenon of state government, the state university.

Parenthetically, I cannot refrain from the incidental observation that a recent volume edited by two well-known political scientists—one of them from a distinguished state university—dealing with the subject of "the functions and policies of American government" makes no mention of the subject of education at all! As political scientists, either we have abdicated our interest in education to the so-called professional educators or we remain singularly indifferent to the well-being of the institutional setting in which our profession has its principal existence.

And well we may have cause for concern! Certainly, it has been professional political scientists who have had a major part in advocating and fabricating the governmental machinery here discussed. The "pattern of conflict" presented by Moos and Rourke is the story of the anxiety and tension developed in this country between central control instruments of state government and the state universities. Budget and fiscal controls, personnel controls, construction controls, legal controls, purchasing controls—these are the familiar day-to-day working problems of the state university president.

This reviewer believes that the authors might have drawn a sharper distinction between gubernatorial and legislative supervision of state universities, and detailed administrative supervision of these universities. But the ingredients of the distinction are here.

There are two basic issues involved. One is whether state universities are to be considered simply as another state administrative department or agency. The authors tend to be sympathetic with those who answer in the negative. Just as elementary and secondary education assert a claim to peculiar political organization within the framework of local and state government, so likewise must state sponsored higher education.

Secondly, as the demands of higher education upon the state tax dollar grow—as they must—can state universities individually and as a group demonstrate such administrative effectiveness and social necessity as will preserve such little claim to special status as is now left to them.

These questions are major political issues of our day. They cannot be ignored. They cannot be passed over by professional political scientists. All of us professionally should read this volume and acknowledge our debt to Professors Moos and Rourke for their initial exploration of a vital subject.

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Political Life: Why People Get Involved in Politics. BY ROBERT E. LANE. (Glencoe, Ill.: The Free Press. 1959. Pp. 374. $7.50.)

American Voting Behavior. EDITED BY EUGENE BURDICK AND ARTHUR J. BRODBECK. (Glencoe, Ill.: The Free Press. 1959. Pp. iv, 475. $7.50.)

These two books amount respectively to a synthesis and a criticism of the current status of our knowledge of how and why people of various sorts participate in American politics. Lane's work tends somewhat more to consider how—that is, to describe; the Burdick-Brodbeck collection to consider why and to be restive about our thin knowledge of basic causes of individual political behavior. Lane surveys the relevant literature better than anyone else has before; the contributors to the latter volume occasionally show signs of not knowing what has been investigated but rather often raise important questions which have not been really subjected to empirical research.

Lane spends close to a hundred pages in presenting historical and contemporary data that describe the growth in the American electorate as a consequence of extending the suffrage; the general hundred-year decline in the proportion of the electorate that votes; the demography of the voting public and of patterns of active and passive participation other than voting (such as engaging in party activity, writing to lawmakers, or watching television). Although much of this material is well-presented and useful information, it is not much more provocative than reading a solid compilation of baseball scores in the off-season.

But after this long beginning, the book has extensive sections that cautiously probe underneath the data on manifest participation into man's basic needs, emotions, and ways of viewing political life; his politically relevant social life in family, social class, and ethnic group; the effect of various social institutions, including the media of communication, on man's political activity. All this is capped by a first-rate concluding discussion of what kinds of participation will help produce the good society.

In the course of putting flesh on the skeletal structure of his study, the author considers at some length some notions which have been taken for granted. Notably he deprecates persuasively the idea that power is the prime or exclusive political motive. He raises, not for the first time, the question whether the consequences of actually activating habitual non-voters are univocally beneficial. In support of this he cites not just the ideological phantasms of the uninvolved but their "paraneurotic" tendencies. Indeed, although this is not a thesis book, one of the main currents in the discussion is the broad question of quality and quantity of participation. He points out that there has been increased political awareness without greater emotional involvement; that among an individual's group loyalties, political parties rank low yet party loyalty is perhaps the major determinant of vote; that the growth of a proletariat in our industrial society has by no means made workers more politically conscious of their interest; and that economic disaster fails to increase political participation numerically even though it does change loyalties. The data he presents in support of these ideas are ordinarily quite convincing: he does not indulge in fanciful flights but builds on solid ground his structure for systematically surveying broad vistas of the political landscape.

The views emerging from the series of analyses presented in the Burdick-Brodbeck volume are more varied. They bring to mind not the systematic explorer but men in helicopters, rising high for a long view here, hovering at ground level there, and moving rather randomly over a delimited area of investigation. Most of the twenty-six contributors take off from the same launching platform, namely a discussion of four major voting studies: *The People's Choice* by Lazarsfeld, *Voting* by Berelson, *The Voter Decides* by Campbell and associates, and *Straight Fight* by Milne and MacKenzie. For better and worse, the editors lose control of the contributors after takeoff, with results which are sometimes pleasantly, sometimes unpleasantly provoking. In a couple of cases, the vehicle for discussion falls apart in midair. But in general the results prove the difficult editorial task to have been worth it.

There are several sharp but mostly non-hostile critiques of the four studies mentioned. Peter Rossi criticizes *Voting* because the data do not support some of the conclusions and *The Voter Decides* because the data fail to indicate what are some basic causes for the phenomena described. Duncan Luce persists in asking which is cause and which effect, for example, in the pattern of personal influence. (Are people persuaded by others' opinions or do they seek out people who agree with them?) An English literature scholar, Leslie Fiedler, produces some of the most pungent—and indeed sophisticated—criticism of all. Henry Riecken, Franz Alexander, and Richard Renneker—all trained in genetic psychology—make excellent forages into the territory of intra-familial causes for voting behavior. Talcott Parsons presents a characteristically provocative synthesis. Zooming like a rocket near apogee, Burdick raises the question whether the irrational beings who vote for the reasons described in the four major studies are capable of the self-rule which in Locke's thought depends on a degree of rationality unknown to 20th century man. Brodbeck considers the question whether we really want anyhow the simplistic democracy we say we do.

All of which brings us back to Lane's final chapter on the relationship between individual behavior and the viability of a good society oriented toward maximizing individual self-actualization. By and large, neither of these volumes makes much progress toward an empirical or even theoretical consideration of the basic questions. In Lane's case, a major reason seems to be an admirably conscientious intent to stick with the data. In the Burdick-Brodbeck volume, there is sharp and restive criticism of the state of our knowledge, but—aside from the Burdick and Brodbeck chapters—no very self-conscious attempt to pose very basic questions. And even in these chapters there is too ready a tendency to assume that man is irrational or, for example, that psychoanalysis is democratic because it gives unconscious impulses a hearing. There is, in brief, an inclination to concentrate on extant research concepts such as social class, primary group relationships, urban-rural dichotomies, age, sex, party identification, and geographically regional determinants. At the same time, awareness of such basic issues as rationality, conservatism, and the revolutionary or counter-revolutionary mood of vast general publics is not accompanied by an understanding of how these concepts can and must be compared, quantified, and qualified in empirical investigation.

As American society has become increasingly homogeneous, with great reductions in the divisiveness of such forces as social class and parent-child, husband-wife, rural-urban relationships, we are faced with the increasingly evident fact that we are moving away from these old conflicts and approaching such new conflicts as the "mood" of political futility, impotence, nationalism, complacency, and rebellion. The distinction between superiors and subordinates, between haves and have-nots is far less significant within industrialized nations than between industrialized and non-industrialized nations. To understand the dynamics of political behavior in our time, we have to reach down into basic processes in the human central nervous system and out into the underdeveloped world for comparative analysis of peoples in vastly different cultural settings. Both volumes implicitly assume a virtually complete social determinism that denies the relevance of the human organism itself as an active agent interacting with its environment. In this there is the implicit *tabula rasa* assumption that is explicit in Locke and Marx alike. Both volumes are limited to an examination of the American scene. Both are in more than one sense (American) culture bound. In an age when profound forces are stirring throughout the world, forces arising both within and between individuals and societies, these books do not amount to very long levers to budge our vast ignorance of how human beings behave in politics. That both studies are significant advances over the existing state of analysis and synthesis in the study of political behavior speaks eloquently of the stasis of such study. We need not deny the causal relevance of forces that have been analyzed to recognize that their further analysis will tell us little more about deeper forces than more precise cartography will tell us about geology. As long as political surveyors ignore the study of theory and theorists continue to be impatient with measurement, the results of their several labors will continue to be mutually frustrating.

JAMES C. DAVIES.

California Institute of Technology.

Man, the State, and War: A Theoretical Analysis. BY KENNETH N. WALTZ. (New York: Columbia University Press. 1959. Pp. viii, 263. $5.50.)

Man, the State, and War, by Kenneth Waltz, is another of the excellent studies that have come out under the aegis of the Institute of Peace and War Studies, headed by Professor William T. R. Fox, at Columbia University. In his foreword, Professor Fox points out that Waltz's study represents an attempt to discover what the major philosophic writers, both classic and modern, have to teach us about the causes of war and the means to peace. Obviously this topic is of great importance. It is also of great interest because the study relates us to our intellectual heritage. In addition, Professor Waltz's search of the literature guards us against the danger that we may ignore important contributions of the past, or independently rediscover them at considerable expense of time and effort. It is fortunate that Professor Waltz is not merely a qualified political theorist but also an able student of international politics with a command of the contemporary literature and of the raw data of the subject. He thus is able intellectually to analyze the contributions of the political philosophers and also to assess their relevance and adequacy for understanding the real world of international politics.

Professor Waltz studies three major images of international politics. The first image finds the cause of war in the nature of man. The second finds the cause of war in the nature of the state. And the third finds the cause of war in the nature of international politics. The first image, Waltz finds, is held by such widely disparate figures as St. Augustine, Spinoza, Niebuhr, and Hadley Cantril. They differ, however, in whether or not they regard the evil as ineradicable. Niebuhr views man as necessarily imperfect and finds the improvement of an imperfect world preferable to the utopian search for perfectionism. Waltz finds Niebuhr's general limitation of his objectives sound. But the assertion of imperfection in the nature of man, according to Waltz, is much too broad a doctrine to cope with the diversity of human experience. Man loves as well as hates, savors as well as lusts, makes peace as well as war. Nor does Niebuhr's position provide an ethical criterion for action any more than it provides a descriptive explanation.

Cantril, on the other hand, is one of the "behaviorists" who find war stemming from misunderstandings, the evil quality of rulers, or lack of proper education. These "behaviorists"—and I use quotes around the term, for Waltz takes his most telling evidence for the rejection of this position from mature behaviorists like Karl Deutsch and Gabriel Almond—are guilty of a radical rejection of politics and of political analysis. Their position, as interpreted by Waltz, is untenable and would instantly be recognized as such by any competent political scientist. However, the illusions these "behaviorists" propagate are accepted by large numbers of professionals in fields outside of political science and underlie the UNESCO studies. If Waltz's analysis of this position reaches these quarters, it will perform a very useful function.

The second image finds the cause of war in the nature of states. Waltz finds his protagonists in figures like Kant, Gladstone, Mill, Marx, and Woodrow Wilson. Waltz finds it easy to refute charges that capitalism is the cause of war or that socialists will not support war. He admits that there may be bad states but shows that democracies and liberal states also have initiated wars. Waltz finds, however, that the cause of war also can be found, in part, in the international environment and shows how Rousseau asserted this position as a thesis. He then moves to modern economics and game theory in order to analyze situations in which the environment plays a major role in the decisions that entrepreneurs and states may play; in particular, environments that force the actors to choose highly competitive or even warlike behavior if they wish to survive and to protect the values their social systems represent.

Waltz thus leaves us with the conclusion that the third image may be the most productive for developing a theory of international politics. Most of his readers will agree but some may wonder whether the question of peace and war is the most convenient focal point of investigation. There may be specific causes of wars but not of war. Some wars may have arisen because of the nature of man (or at least of some men); some because of the nature of states; and some because of the nature of the international system. Political science may progress farther if we attempt to study the international system (or systems) and learn how it constrains the behavior of states and of the political elite within states. This mode of study may then provide a focus for analyzing the role of differences among states, rulers, national political and economic systems, and so forth. Waltz probably would agree, for his study of the classic philosophers and their views on war shows that they did not do much to illuminate the important problems of international politics; at the end, Waltz turned to modern social science—in particular to game theory—for tools appropriate to the kinds of analysis he thinks necessary. He was not prejudiced against classic thinkers or the philosophic method of analysis—indeed he attempted to use them more consistently and seriously than perhaps any recent author. Yet his highly intelligent and perceptive study perforce eventually led him in different directions, even though he tantalizes us by showing us the correct starting point without carrying out the analysis. Such, however, was not the task he set himself.

There may be a sense in which we do need to return to the methods of our classic predecessors. Aristotle did not look to the literature, but turned to a study of empirical constitutions. Aristotle also developed a typology of state systems (comparative models) and used the science of his day in analyzing these systems. We too need to return to the real world of international politics and, like Aristotle, we need to learn the constitution (obviously not in the sense of a written document) of international politics. We need to turn to comparative international systems and to use the science of our time in the analysis of these systems.

MORTON A. KAPLAN.

The University of Chicago.

Organizations. BY JAMES G. MARCH AND HERBERT A. SIMON WITH THE COLLABORATION OF HAROLD GUETZKOW. (New York: John Wiley and Sons, Inc.; London: Chapman and Hall, Ltd., 1958. Pp. xi, 262. $6.00.)

Perhaps the best way to describe this book—which is surely destined to occupy a prominent place in the literature on organizations for many years to come—is as an ingenious and largely successful effort to answer two questions: (1) What are "some of the important things that have been said about organizations by those who have studied them and written about them?" (2) How accurately do these writings describe and predict the behavior of people in organizations when the writings are measured against such empirical evidence as is available and against the authors' own observations and conclusions? To provide the answers to these queries, the authors have ranged over a remarkably broad segment of social scientific literature (wisely not attempting to be exhaustive, for "not a great deal has been said about organizations, but it has been said over and over again in a variety of languages"), and have arranged and analyzed it systematically, formulating the assertions as testable (or, more rarely, tested) hypotheses in the process. The result is admirable.

The material is organized around assumptions, imbedded in the relevant literature, "as to what properties of human beings have to be taken into account to explain their behavior in organizations." Some theorists assume people are passive instruments of their leaders; some stress people's feelings and motives, their attitudes, values, and goals; some view them as adaptive, reasoning beings, as thinking decision makers and problem solvers. March and Simon call the first the "classical" theorists who dominated the field in the first quarter of the century, and criticize their work as mostly intuitive, largely ambiguous, and partly irrelevant. The second group, said to be dominant in the second quarter of the century, is characterized by its "human relations" approach, applauded for its abundant literature of an empirical or systematically theoretical kind, but found wanting for neglecting man's rational, purposive behavior. The third group, its work still in an early stage, has introduced rationality and its limits, and the effects of these limits on organizational change and adaptiveness, as elements in the behavior of organizations. Economic theory is assessed as suggestive and helpful, but not fully adequate; it is here that March and Simon speculate on the shortcomings of "optimizing" models as against a "satisficing" model ("the difference between searching a haystack to find the *sharpest* needle in it and searching the haystack to find a needle sharp enough to sew with"), and plead for work to develop "empirical evidence of a reliable and persuasive kind" to test and refine these ideas.

Organization theory is thus depicted as accretive. It is seen as beginning with exclusive emphasis on the manipulative aspects of intraorganizational relationships. The inaccuracies of this model were later partly offset by the recognition of the "human" factors, which qualified the original image. Now, the model is to be further improved by the addition of still another qualifying factor: the rationality, but the *limited* rationality, of human mental processes governing purposive behavior. All three factors together *do* seem to me, on an intuitive basis, to constitute a closer approximation of organizational behavior than we have had up to now. And they consequently seem to lend new strength to the hope that the gradual identification of the major determinants of human behavior in organizations will ultimately lead to increasingly accurate predictions.

March and Simon cautiously and explicitly defer judgment about the possibilities of a true science of organizations, but their optimism shines through all the same, and they make a good case for it.

In any event, they have certainly done a great deal to clear the air and to indicate promising avenues of fresh exploration. Their style is pleasingly brisk, although so free of redundancy as to demand very close and careful reading. There is refreshingly little jargon, and virtually no mathematics to discourage those of us who are illiterate in this language. If one were to find fault with the book, it might be on grounds that some theorists have been a bit too relentlessly crammed into the authors' categories; I do not believe there are any major injustices, but there are certainly a few minor ones. I also find it rather curious that the strategies of "external relations" of organizations are here glossed over quickly. Furthermore, as a political scientist, I am chauvinistically disappointed to find references to only a handful of political scientists in this book. The authors describe "conscious and deliberate power phenomena" as among the chief concerns of organization theory; these are also the essence of politics, and the subject of a richer body of empirical and theoretical literature than is here made use of. Also, political settlements are certainly among the clearest illustrations of satisficing, but the literature on political decision-making is ignored in this volume.

The defects of this book, however, are small indeed compared to its solid achievements. March and Simon have done all social science a great service by systematically canvassing and formulating our knowledge about organizations, defining the important variables, and evaluating the evidence on which our beliefs rest.

HERBERT KAUFMAN.

Yale University.

Propaganda Analysis: A Study of Inferences Made from Nazi Propaganda in World War II. BY ALEXANDER L. GEORGE. (Evanston, Ill., White Plains, N. Y.: Row, Peterson and Co. 1959. Pp. xxii, 287. $6.00.)

Political science becomes more and more deeply embedded in the social sciences, both methodologically and in terms of its substantive theory. The George book is an example of how our methodology develops more rigorously. His book indicates how more fulsome political theory must be created in order to improve the methodology. But more than example, in its own right *Propaganda Analysis* pushes forward significantly in the development of content analysis, in the context of its dependence upon a more adequate theory of propaganda.

The core of George's analysis involved 729 propaganda-inferences made by the German Section of the Foreign Broadcast Intelligence Service of the Federal Communications Commission (FCC) during the months of March and April, 1943. Of the total, the author was able to bring 119 to verification. Using the Goebbels' diaries, Nuremberg trial documents, and World War II historical works, some 85% of the inferences were judged as being correct. This scholar works as competently with traditional textual analysis as he makes flexible use of contemporary statistical methodology.

The first segment of George's contribution consists of his codification of the inferential methods ("direct" and "indirect") used by the FCC analysts. He shows how the direct Lasswellian approach of correlating symbol with intent was gradually replaced in the FCC by an indirect analysis of intent by interpreting the meaning of symbolic contents as they are mediated by the propagandist's strategy. George then indicates how the FCC analysts went further —how from intention the FCC attempted to estimate the enemy's expectations, which in turn served to mediate inferences with respect to the enemy's estimate of the situation, until finally indirect predictions of the actual situation itself were obtained. A substantive theory of the political control structure in which the enemy's propaganda organization operates was shown to be an integral part of the inference methodology. During 1943, when the sample of inferences which were studied in detail were taken, the FCC analysts depended primarily upon indirect methods of inference.

The second segment of George's contribution is his clarification of the nature of nonquantitative content analysis. His distinctions between "frequency" and "nonfrequency" may help prevent premature application of quantitative techniques, as our discipline matures. His attempt to develop a substantive theory of "contextual factors in propaganda analysis" is certainly needed, even if this enterprise is not as full-blown as one would like. Of those inferences in the sample which were clearly frequency or nonfrequency in their method, about half were of each kind—and each half was as successful in the verification check as the other.

But until one comes to the halfway mark in the book when George presents three sets of propaganda inferences in considerable detail, the reader often wonders whether he has good contact with his author, for the two earlier developments (about inference methods and nonquantitative context analysis) are presented quite abstractly. Yet, as they are illustrated and explicitly used in the latter half of the book, the first half of the book on being re-read now abounds in nuance and insight, despite its redundancy.

In this last half of the book George makes application of the methods and analyses to three kinds of FCC predictions. In the process of illustrating the methodologies, George presents elaborations of a theory of propaganda. (1) In conjunction with his analysis of predictions with respect to Nazi actions (such as the V-weapon, hostilities with Brazil, and an offensive in Russia after Stalingrad), George develops a checklist of "possible goals of propaganda preparatory to major actions." (2) Along with his set of propaganda cases of anticipations of the Allied action (including such potentials as the Allied second-front, the invasions of Sicily and Italy, and the outcome of Eden's talks with Turkey), George developed check-lists of goals involving anticipation as directed to "domestic or friendly neutral audiences" as contrasted with propaganda directed at "groups in the opponent's camp." (3) Associated with the third set of cases involving inferences about "situational changes experienced as favorable or unfavorable" by the Nazis (which included the state of German morale, Nazi estimates of Italy's military potential, and estimates of the success of U-Boat warfare) are two checklists: one is concerned with "possible goals of morale-manipulating propaganda"; the other is concerned with "direct" relations between symbol indicators and situations being experienced by the Nazi elite. These last comprise in actuality an inventory of some 23 propositions about changes in situation when the elite is experiencing deprivational changes —or expects future deprivational changes in its situation. An example of such a proposition follows: "When an elite expects a deprivational change in the situation to occur in the future, predictions of enemy deprivations in relevant contexts of its propaganda will diminish in number and/or in magnitude" (p. 249). About the same percentages of verified successes were obtained by the FCC analysis for inferences in all three types of cases.

With this degree of sophistication, political science is now ready for the experimental comparison of propaganda analyses using the direct versus codified indirect methods on the same case materials. The same experimental design might be applied to nonquantitative versus quantitative content analytic techniques. Were these contrasting procedures used by history-naive analysts in the making of inferences on a standard, verified set of propaganda materials, we would have reliable knowledge about the efficacy of the alternative propaganda analyses.

George's book will be of much value to the mature scholar, both for re-tooling and in providing illustrative materials for lectures. In significant ways George has developed ideas stated only in embryo fashion in Berelson's *Content Analysis in Communication Research*. The volume will be most useful in the training of the graduate fledgling, both in our methods courses and in our courses on propaganda. Because the twenty cases are exciting in their concreteness and are concerned with important reality, it will not be long before one of us will be asking Dr. George for permission to use some of his cases in a volume of readings for the undergraduate. The book took much labor to write; the book takes much labor to read. Both labors are fruitful.

HAROLD GUETZKOW.

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Top Leadership, U.S.A. BY FLOYD HUNTER. (Chapel Hill: University of North Carolina Press, 1959. Pp. xvi, 268. $6.00.)

Professor Hunter, whose *Community Power Structure* is justly celebrated, has logically undertaken to study interrelations of American power structures at three "levels" (community, state, nation) and in two economic sectors (housing, textiles). His method—labyrinthine and never sufficiently described to permit replication—rests on power-attributions by presumedly knowledgeable panels of judges.

This book advances our understanding of political power as the core concept of political science—but by how much seems subject to dispute, depending how one balances the imaginative sweep of the subject and the author's ambitious design against what appear to this reader as four major methodological flaws.

Lack of background. Hunter deals with associational activity, yet he nowhere indicates awareness of the large scholarly literature on interest groups. Possibly this explains why his "living model of United States power" is less sophisticated and useful than that of Truman's synthesis. Hunter's model posits essentially passive rulers "who are being pressured"; he tends to equate high social status and high power; he treats high self-awareness among political actors as high "interlock."

Inelegant conceptualization of power. "Power, . . . is the ability of some men to move other men, goods, and services toward socially allowed objectives, or conversely to stop such movement when it seems undesirable. . . ." A good definitional *start:* but power has dimensions. One need not parrot Merriam, Lasswell, and others to grasp their contribution toward sharpening the power concept, especially regarding the dimensions of base, technique, and scope of power-relations. These—and the equally unfaced question, How can one compare the magnitude of power of the AJC, the Carnegie Endowment, and the Portland Cement Association?—cannot be dismissed as "abstract scholarly quibble."

Self-confirming hypotheses. Hunter believes that a *general* leadership exists, is independent of the formal structure of power (Government), and is based on control of business corporations. Excellent as hypotheses—but his testing process permits no rejection. If one asks respondents to name five national leaders "of top influence in national policy-making" or "check . . . the names below [of] those *persons whom you consider to be top leaders in the development of policies affecting the nation* . . . (his emphasis)," the data necessarily describe a generalized structure of potential power which may or may not exist. Further, if respondents make leadership-choices "exclusive of elective and appointive officials" and respondents are (a) national association leaders, (b) Chamber of Commerce and Community Chest secretaries in all large cities, and/or (c) nominees of (a) and/or (b) above—neither the second nor the third hypothesis above can be disproved.

Anti-theoretical view. Perhaps the major problem. Hunter early notes, "The criticisms of political scientists have been helpful to me . . . , I have come to appreciate their concern for the development of political theory. Not being a theorist, I am glad to leave the rigors of the developmental task to them."

This is inaccurate. Hunter *is* a theorist in the one sense he should not be: his last chapter seems a personal catechism of oughts-to-be of political life, with such omnibus, undemonstrated, and unexamined philosophical judgments as "Most policy considerations are now handled by too few in American society, I think." But any true social scientist is a theorist in a different sense (which

Hunter also explicitly denies): as a researcher concerned with dynamic interplay between theory and method, fact finding and inductive generalization, self-consciously aware of problems of reliability and validity.

Any harshness must not be construed by traditionalists as defense of "our" area against an encroaching sociologist; rather, it stems from conviction that this book demonstrates the excessive sectarianism already existing among sister social sciences. We can all benefit by extra-departmental reading.

HARRY M. SCOBLE.

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The Passing of Traditional Society: Modernizing the Middle East. BY DANIEL LERNER WITH LUCILLE W. PEVSNER. (Glencoe, Ill.: The Free Press. 1958. Pp. xiii, 466. $7.50.)

The Middle East: A Political and Economic Survey. EDITED BY SIR READER BULLARD. (London, Toronto, New York: Oxford University Press. 1958. Pp. xviii, 569. $5.00.)

Generalizations only loosely supported by detailed studies are one of the temptations of those who deal with the Middle East. Their judgments sometimes rest on little more specific evidence than the answer of a Syrian sheikh to a League of Nations vital statistician, seeking information on the age of death in the tribe. "In our country," he said "some die young and some die old—but it is God's will that all should die at last."

These volumes are specific and documented studies of complementary areas of Middle East life. *The Middle East* is the third edition of Chatham House's well-known "Political and Economic Survey" that is recognized as an indispensable handbook for the area. Combining a general survey of the history, religion and economic characteristics of the Middle East as a whole with descriptive studies of individual countries, it provides a framework of essential facts about government organization, foreign and domestic policy and economic development. The record is historical, factual, and (where possible) statistical, with little attempt to diagnose underlying causes of current situations. New material included since the second edition covers the Suez Canal Crisis and the Anglo-French-Israeli invasion of Egypt. Unfortunately, the text was prepared before the formation of the United Arab Republic and the recent revolts in Iraq and Lebanon.

The Passing of Traditional Society surveys the same scene from the standpoint of its effect upon the traditional attitudes and mores of the individual. That the classic society of the Middle East—as in most of Africa and Asia—is rapidly being invaded by modernity is the first observation of even the casual tourist. The "changeless" Middle East is now the "changing" Middle East—but there have been few studies that attempt to define, measure and scientifically describe this change. Who is changing? From what to what? How fast? With what results? It is to answer such questions with the techniques of the social science survey that Dr. Lerner and his staff undertook the studies that resulted in this vivid, yet solid piece of research.

To do this, the book combines two enterprises. The first is a theory of modernization, drawn from general studies of the process of change in societies emerging into modernity. Dr. Lerner chooses "modernization" rather than westernization because, while western society "still provides the most developed model of societal attributes," Middle Easterners want to proceed "in their own way." "Wanted are modern institutions but not modern ideologies, modern power but not modern purposes, modern wealth but not modern wisdom, modern commodities but not modern cant."

The concrete unit of modernization is the "mobile personality," *i.e.*, individuals who are awake to the process of change. Their chief characteristic is that of "empathy"—the ability to visualize themselves in new roles. Mass media (radio, cinema, newspapers) are the "mobility multiplier" communicating both the character and possibility of change to a growing number of people. Mass media stand in contrast to the traditional oral systems, by which Middle East man has heretofore obtained most of his ideas.

The second enterprise is to test this theory through the device of a statistical survey of selected samples of the "mobile personality." The survey began in 1950, and covered the countries of Turkey, Lebanon, Jordan, Egypt, Syria and Iran. It was conducted through interviews made in each country by native scholars (chiefly university students) who were briefed and supervised by Americans. The interviews were based upon a questionnaire designed to elicit both the specifics of changed attitudes and the media through which the changes were made. About 1600 interviews were conducted, with the sampling determined by the type of change outlined in the author's general theory of modernization. The results do not "necessarily provide a basis of inference as to the reactions of the total population of any country" but give a vivid picture of that particular group which is consciously moving into the modern world.

It is a pleasure to read a volume of social investigation that is not dry as dust. Even the layman, unversed in sociological vocabulary, will be caught by the drama of changing lives and the human dilemmas of people living both in the past and the present. Next to a visit to the Middle East with close association with its people, this study is the best means of entering into the confusing world of change which is the milieu of so many of the younger generation of the area.

Some of the political judgments of the book may be questioned. To the reviewer, there seems little evidence to support the assertion that Egypt is seeking "primacy among Muslims everywhere." Even in the Arab world, Nasser has shown little interest in building up a strong Islamic bond. In the field of social theory, it can be questioned whether the real problem of progress is to get the illiterate peasant to imagine "what the better things of life might be." Those working in the field of rural development find that most peasants know in general what they need for improvement—the problem is to help them imagine the "implements" of change rather than the "objects" of change.

There will be other statements that sociologists and observers may take exception to, but this only makes the study provocative. Here is a solid piece of social research that is indispensable in judging the rapid social changes that increasingly engulf Middle East society.

JOHN S. BADEAU.

Communism in India. BY GENE D. OVERSTREET AND MARSHALL WINDMILLER. (Berkeley and Los Angeles: University of California Press. 1959. Pp. xiv, 603. $10.00.)

If men and nations were wedded to reason they would analyze the nature of the dangers they perceive even while doing something about them. That this is not the character of Americans, at least, can be seen from our willingness on the one hand to commit substantial resources to counter the menace of Communism in India, and our hesitation on the other hand to examine directly the phenomenon of Communism in that country. Increasingly we picture India as the crucial country in the struggle between Communism and freedom, and most of our generalizations about the proper measures for opposing Communism in underdeveloped countries tend to be based on impressions about India. Yet our sense of urgency has not stimulated much curiosity about the Communist Party of India; we seem to prefer to rely upon imagination, fantasy and untested theories to explain the nature of Communism in underdeveloped countries. Aside from John Kautsky's study of the relationship of Moscow and Mao Tse-tung to the strategies of the CPI and Masani's general history of the CPI we have had no serious studies of the particular form Communism has assumed in India.

This situation has now been greatly changed with the appearance of this impressive and sound study by Gene D. Overstreet and Marshall Windmiller. If recent research on India is any guide we shall long be indebted to Overstreet and Windmiller, and their book seems destined to become not only the classic study of the CPI but also a significant contribution to the literature on Communism in general.

On beginning a book of 600 pages one is likely to wonder whether the authors achieved discipline in organizing their materials and had a proper respect for the principle of Occam's razor. Such doubts soon disappear on reading the clean prose of Overstreet and Windmiller; their study is lengthy because it is two books in one. Part I is a detailed history of the CPI from the conspiratorial days of M. N. Roy to the frustrations of the Communist government of Kerala. Part II is an analytical study of the Party, its organization, its front groups, and some of its persisting policy problems.

In telling the story of the CPI, Overstreet and Windmiller strike a nice balance between issues of doctrine and problems of practical organization and choice. They are, however, at their best when reporting on the Indian scene and the behavior of individual Indians. Their treatment of M. N. Roy is stimulating in that they touch on the human dimensions of this extraordinary man who left India during World War I in hope of smuggling home German arms and who, after a melodramatic interlude in America and a few years of high living in Mexico City, proceeded to Moscow to challenge, before the leading theoreticians of the Comintern, the great Lenin on the theory of revolution in the colonies and semi-colonies. Unfortunately the authors do not seem to grasp the full significance of this historic debate at the Second Congress. It is also disappointing that after carefully examining all available evidence on Roy's eventual expulsion the authors find it impossible to judge the validity of the Comintern's charge that he had misappropriated funds. (Following in the spirit of the early Communist code of behavior, many of the first party organizers in the poor countries took an exaggerated pride when handling large sums of party funds in showing contempt for the bourgeois notion of accountability—hence the fitful starts of some of the minor national parties.) Overstreet and Windmiller have had to leave unexplored most facets of Roy's complex personality: his compulsive need to be at the center of the stage, his dependence upon his three successive American wives, his passion for verbal distinctions, and above all his shying away from success, his refusals at the last moment to consummate his plans and thus his inability to grasp victory. These are qualities common to the behavior of many of the current Communist leaders.

In interpreting the tortuous twistings and turnings of the CPI during World War II and the subsequent rise of the Chinese Communists to power Overstreet and Windmiller employ much the same criteria of judgment as Kautsky did. The strength of their study, however, does not lie in their understanding of Communist doctrine or of the relationships between doctrine and strategy, but rather it is to be found in their feeling for the realities of Indian relationships. They are able to bring the CPI organization to life and to deal skilfully with issues of personality. The biographical information Overstreet and Windmiller gathered during their years of research in India is unique. Those unacquainted with the Indian scene may not fully appreciate the difficulties in obtaining such material.

In the light of their scholarship the authors' final conclusions are disappointingly weak. In part, they seem unduly concerned that Khrushchev's policies and the 1958 organizational reforms of the CPI will leave their work too dated to be of much relevance for the future. With considerable hesitation they reach the conclusion that the CPI would become a greater menace if it becomes even a little more Indian and a little less Communist. As they themselves point out, however, the CPI has been largely held together by dogma. In one of the most penetrating insights of the entire study they suggest that Moscow has been to the CPI what Nehru has been to Congress: an arbitrator capable of resolving issues before they split the party. These two are the only parties in India with such arbitrators and they have been largely successful in overcoming the divisive forces that have frequently split nearly all the other Indian political parties. The CPI has no charismatic leader—which, incidentally, makes its electoral successes the more impressive—but it has a fantastic number of members capable of pouring all their energies into doctrinal controversies. A more

Indian CPI might be a party without focus striking out in all directions at once.

The Communist Party of India is an extremely dynamic organization in a constant state of flux. It is a far cry from the determined, single-minded organization, based on a military model, that was the Chinese Communist Party during its struggle to power. The Indian party is already, in a sense, the victim of a politics of elections and parliamentary maneuver. Although we tend to think of the example of China in our concern over the future of India, the closest analogies to the CPI are the French and Italian Communist parties. These are the parties that are capable of disrupting a national political process. In the future the CPI is likely to become an even greater source of frustration for the governments of India, but in becoming this it is also likely to be consumed with its own internal frustrations. The greatest virtue of the Overstreet and Windmiller book is that it demonstrates how an organization plagued with internal difficulties can still threaten a free society.

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Dialectical Materialism: A Historical and Systematic Survey of Philosophy in the Soviet Union. BY GUSTAV A. WETTER. TRANSLATED BY PETER HEATH. (New York: F. A. Praeger. 1959. Pp. 610. $10.00.)

The attitude of Marx and Engels toward philosophy was ambiguous and is today a matter of controversy. On the one hand, their entire system of ideas is the child of Hegelian philosophy and can in no wise deny its parentage. Nor did either Marx or Engels wish to deny it. On the contrary, they never ceased confessing certain philosophic positions, such as "materialism," nor believing that in the dialectic they possessed a superior tool of enquiry. They thought that philosophy truly lived only in their ideas and in the proletarian movement these ideas supposedly expressed. The proletariat, boasted Engels, had become the (sole) heir of classical German philosophy.

Yet, on the other hand, the idea that a revolutionary movement embodies philosophy contains a curiously anti-philosophic attitude. The central idea of Marxism that philosophy is "actualized" (*verwirklicht*) only by revolutionary action and that without such action thought is inadequate, meant a turning-away from philosophy and a substitution for it of politics. According to Marx and Engels, Hegel had not only been the greatest philosopher; he had also been the last. He had written *finis* to philosophy by either solving all problems or showing they could not be solved. In addition to political action, this left one other area for human pursuit: science. We can detect in Marxism a decidedly positivistic strain which substitutes science for philosophy, leaving only logic and epistemology as legitimate fields for philosophic enquiry.

It is therefore interesting and not without irony to see the honored place which philosophy occupies among other fields of learning in the USSR. While, as Wetter points out in the book under review, Soviet philosophy has not been able to define its relationship to science with sufficient preciseness, most of the traditional areas of philosophy, including ethics, aesthetics, and even the philosophy of nature, are today recognized by Soviet ideology. It would be a highly rewarding task to investigate the ideological reasons behind this return to philosophy.

Father Wetter's learned volume deals only with a selected few of the many branches of Soviet philosophy. It discusses logic, ontology (which even though Soviet philosophy does not recognize it still does play a role), epistemology, and the philosophy of nature (which in the USSR is called philosophy of science). These are those branches that Dialetical Materialism, as distinguished in the USSR from Historical Materialism, treats.

Wetter's book is in two parts. In the former, and briefer, section, the reader is given an outline history of Soviet philosophy from the early Marx to Khrushchev. The account is useful not only for the excellent summary of the steps by which Hegelianism was transformed into Marxism, but also because of its survey of the major philosophic controversies that raged in the USSR since the revolution of 1917. In relating this history, Father Wetter relies so exclusively on Soviet sources that his sketch of the history of the Russian Social-Democratic Labor Party is badly distorted. His general history of philosophy is further distorted by the almost total absence of any effort to relate philosophic controversies to the political events which to a large extent they reflect. As a matter of fact, the entire book has a somewhat naive character because throughout it treats philosophy strictly in and for itself, disregarding the fact that in reality Soviet philosophy cannot be understood except as an integral part of the Soviet system of government.

Part Two is a systematic presentation and critique of present-day Soviet Dialectical Materialism, based on a thorough acquaintance with the pertinent Soviet literature. Wetter faithfully strives to present official positions as Soviet philosophers themselves would like to present them, and he quotes extensively. Current controversies or unresolved problems are reported with detachment. His own position is made clear only after the Soviet views on any particular problem have been presented.

It is not surprising that Father Wetter's own position is that of scholastic philosophy. His appraisal of Dialectical Materialism therefore agrees considerably with that made a few years ago by the Dominican priest, Professor Bochensky.

Wetter's judgment is starkly ambivalent. First of all, he stresses the affinities between the general character of Soviet and Catholic philosophy, or even between Soviet and Jesuit philosophy. This in itself leads to ambivalence because he sees not only the areas of agreement, but also the difficulties that beset philosophy when it must operate within the framework of a revealed dogma (though in the case of Catholicism he denies any conflict between the free and rational pursuit of knowledge and revealed truth). Secondly, he recognizes that Soviet Dialectical Materialism and Scholasticism agree on many individual problems. Soviet "materialism" in his eyes, when it is not in agreement with

Thomistic views, is a philosophy of common sense. The dialectic is praised as a dynamic view of reality. Finally, Wetter expresses sympathy with a certain mystical trend he sees in the dialectic. He condemns the dogmatic atheism and materialism of Soviet philosophy, and he draws attention to the shallowness, the inconsistencies, and the sloppy method that characterize it. And yet the feeling persists that he has presented his subject with a good deal of sympathy and respect.

The explanation for this is, I believe, that for Father Wetter there are altogether only two philosophies worth discussing in our time: Dialectical Materialism and Thomism—the philosophy of the Church and that of the Anti-Church. All other schools of philosophy, it appears, are not even worth discussing! Even in this either-or attitude which does not recognize third positions the priest is similar to the Soviet ideologists. Communism, he finds, has similarities to Catholic philosophy because communism is the one true antagonist of Christianity—the philosophy of the Anti-Christ. In turn, he concludes from this similarity that the Catholic Church is the most profound of all the enemies of Communism. In the reviewer's eyes, this suggestion remains unproven.

The book is being advertised as the definitive study, for years to come, on the subject of Soviet Dialectical Materialism. Because the critical remarks (which the reader may accept or reject) have been separated so strictly from the presentation, and because that presentation has been accomplished in so meticulous a fashion, the book doubtless comes close to fulfilling this promise if by "definitive study" we mean a reference work!

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BOOK NOTES AND BIBLIOGRAPHY

POLITICAL THEORY, RESEARCH, AND METHODOLOGY

The Enduring Lincoln. EDITED BY NORMAN A. GRAEBNER. (Urbana: University of Illinois Press, 1958. Pp. viii, 129. $3.00.)

This volume contains a number of essays written by competent Lincoln scholars on selected phases of Lincoln's political thought and practice—more particularly, his contributions to the democratic faith, his "pragmatic" bent, his administrative practices as President, and his "conservatism" in a doctrinaire period. This review examines an essay by Roy P. Basler which deals with Lincoln's contributions to the democratic faith.

The justification for studying Lincoln's thought, Basler tells us, cannot be because it "brings ready-made answers to our (contemporary) problems," but because it "may help us to find our own answers" in "this age of conflict" (p. 2). But just what is Basler's view of the relevance of the study of Lincoln's thought to the understanding of "our (contemporary) problems?" The study of Lincoln, we learn, is relevant, not to the understanding of "our (contemporary) problems" as such, but to understanding "the American people," or rather "the truth" about the American people. "The figure of Lincoln represents the American people" (p. 4). The "truth" about Americans is "the consistency of our contradictions, a practical and materialistic people but given to mysticism beyond measure, a selfish people whose largess has been demonstrated to surpass the richest myths of antiquity, a self-reliant people who are so filled with self-doubt that we crave more than anything to be understood and appreciated, an honest people who are shocked to discover our self-deceit and who strive to redefine our honesty to prevent self-deception. In Lincoln, we have an epitome of what we are, we like to think, at our highest and best, as well as at our most ambiguous" (pp. 4–5). "Ambiguity," for Basler, is the key to understanding the American mind, and Lincoln's thought constitutes a perfect representation of that ambiguity. "Where is the tragic ambiguity of the human condition . . . more poetically symbolized than in Lincoln, the hero who recognized this ambiguity in himself and in the people whom he represented" (pp. 9–10)? Again, when explaining Lincoln's conception of democracy, Basler declares: "When Lincoln said on February 22, 1861, at Independence Hall, Philadelphia, that he would almost rather be assassinated than to give up (the) principle (that "all men are created equal"), he (avowed) his own dedication to the most precious of all ambiguities" (pp. 17–18). Lincoln's political reflections are not regarded by Basler as wisdom concerning political things, for there are according to him no superior thoughts about what men ought to do politically. To the question, "Who shall rule whom?" Basler replies: "As there is no absolute answer possible except an ambiguous one, so there can be no practical, wholly unambiguous answer in any specific case" (p. 17).

Thus Basler finds the "enduring" or "immortal" quality of Lincoln to consist in his ability to give expression to the tragic ambiguities, dilemmas and uncertainties in human nature and history, rather than in his ability to resolve them. Still, we cannot help asking, what gave Lincoln his unique ability to so express the American mind? Could Lincoln have voiced the tragedy and the pathos of his people as he did at Gettysburg, if he had not comprehended it in an extraordinarily profound way? Lincoln's affinity with the common man is the most uncommon phenomenon of our history. Unless we grasp its uncommonness we will not understand properly how Lincoln fashioned, no less than he reflected the American mind.—MORTON J. FRISCH, *The College of William and Mary.*

SIDNEY HOOK, *Political Power and Personal Freedom* (N. Y.: Criterion Books, 1959. Pp. xviii, 462. $7.50.)

This collection of essays does not break any new ground, but it does serve as a clear summary of Sidney Hook's position and reasoning on a wide variety of issues.

Without succumbing to the traditionalist fetishism which has been hounding much of our contemporary ideology, Hook selects (and says he is selecting) as the most important Anglo-American traditions: experimentalism, the institutionalization of consent, and the attitude of scientific empiricism. He emphasizes, as do most Liberals, that the democratic method of institutionalizing consent is so inextricably linked to the goal of free development of individual personality that the method, in effect, becomes the goal. In applying the Liberal democratic premises to the issue of school segregation, he is not impressed with the argument that those who want to send their children to segregated schools should be given public assistance to enable them to enroll their children in private schools. There is no reason, he indicates, for the democratic community to give special support to those whose prejudices lead them to discriminations which violate the democratic value of maximizing equal opportunity for all individuals.

In the section on "Communism," Hook reaffirms his position that the Communists have abandoned all the humanistic values of Western civilization which were Marx's major concern. On the subject of "Security and Freedom," he restates his support for an intelligently administered government security program; for the reading of "moral guilt" into the use of the Fifth Amendment; and for the heavy presumption of intellectual dishonesty against a teacher who belongs to the Communist Party, on the ground that he has committed himself in advance to political determination of scientific truth.

Hook still feels that the materialist theory of history is the most fruitful as long as it is applied pluralistically; but he emphasizes that in the twentieth century, politics has become more important than economics. He still wants more socialization of industry, but on a piecemeal, pragmatic basis; and he sees the issue of socialism *vs* capitalism only as one of degree now, since neither system can be found in "pure" form. He would not be willing to advocate any socialist measure which would endanger freedom; but he is willing to surrender some efficiency for a genuine increase of individual participation in the process of economic decision-making. The essays conclude with a proposal for East-West withdrawal from Germany and Eastern Europe, as well as suggestions for taking ideological advantage of the of the ambiguities in Marxism.—MORTON AUERBACH, *San Fernando Valley State College.*

Strukturprobleme der Modernen Demokratie. BY GERHARD LEIBHOLZ. (Karlsruhe: Verlag C. F. Müller. 1958. Pp. ix, 304. DM 18.80.)

This book contains a selection of essays extending over a period of thirty years previously published by the author who is now on the bench of the West-German Federal Constitutional Court. His writings from the period 1933–1945, published principally in English and French periodicals, are not included, but bibliographical references to them are supplied. The main concern of the work is with basic problems of political science, especially constitutional problems. Not unreasonably the emphasis is on the German situation, particularly that of Bonn and Weimar. Some broader questions are however also included in this collection, e.g.: "Ideology and Power in International Relations in the Twentieth Century," "State and Society in England," "Concept and Nature of Democracy," "the Phenomenon of the Totalitarian State." The title of the work derives from its longest and most important section. Here the author has traced the transition from a system of liberal representative democracy to one in which political parties play a primary role and has assessed the significance of this transformation. He observes how not only constitutional theorists, but also authors of constitutions have attempted to ignore the reality and importance of political parties. The work is characterized by a high level of scholarship and relevance to the contemporary political situation.

Politische Schriften und Reden. BY FRIEDRICH MEINECKE. EDITED BY GEORG KOTOWSKI. (Darmstadt: Siegfried Toeche-Mittler Verlag. 1958. Pp. 511. DM. 25.00.)

This, the second volume of a projected six volume edition of Meinecke's, works contains his political speeches and essays. Meinecke, dean of German historians until his death in 1954 at the age of 92, was no antiquarian, but, except for the period of enforced silence between 1933 and 1945, actively participated in politics. Before World War I he already recognized the need for a democratization of Germany; during the war he actively and forcefully opposed annexationist demands of extreme nationalists. Despite his previous attachment to the principle of monarchy—though not to Germany's last monarch—he was one of the intellectuals who fully committed himself to support of the Weimar Republic. His vigorous opposition to Hitler marks him as one of the earliest to recognize the daemonic and nihilistic nature of National-Socialism. After 1945 he again became politically active. It is an indication of Meinecke's greatness that he, who had begun as a Bismarckian Prussian conservative, should end his long and productive career advocating a United States of Europe.

Lenin and World Revolution. By STANLEY W. PAGE. (New York: New York University Press. 1959. Pp. xviii, 252. $5.00.)

In his well documented study the author is trying to prove that Lenin's revolutionary fanaticism "was only the outward form of a demon-driven ego intent upon dominating the processes of destruction and of rebuilding." Complementary to this thesis is the contention that it was Lenin's intention ever since the outbreak of the World War to dominate and lead not only a revolution in Russia but communist revolutions in Germany and in all other European countries. Despite the writer's apparently thorough acquaintance with Lenin's writings and with the history of the Russian revolution and the creation of the Third International, neither thesis could be satisfactorily proven. No attempt is made to trace the psycholgical sources of Lenin's "demon-driven ego," as his early life is merely sketched; the actual narrative starts with the beginning of this century. Nevertheless, this is a provocative study which incidentally throws light on several important but obscured turning points in the history of Russian Communism.

Portraits of Russian Personalities Between Reform and Revolution. By RICHARD HARE. (New York, London: Oxford University Press. 1959. Pp. viii, 360. $6.75.)

This valuable and scholarly contribution to Russian intellectual history follows the author's first volume, *Pioneers of Russian Social Thought,* (1951), which consisted of portraits of the leaders of the "wide mental awakening," from P. Chaadayev to K. Leontiev. The present book discusses fifteen Russian statesmen, political leaders, philosophers and writers; all of great influence on Russian thinking and political evolution during the three generations preceding the Bolshevist Revolution. Some of these are very well known even to readers not familiar with Russian; others are merely shadowy names. Thus it is hard to say much new about Bakunin in fifty pages, or on Turgenev and Dostoyevsky in forty each, even though the author uses fresh evidence published by Soviet scholars and comments and interpretations of Soviet critics. On the other hand, the two chapters on Tolstoy are fresh and provocative. For the political scientist, who is not a specialist in Russian political and intellectual history, the portraits of the conservative civil servant, A. V. Nikitenko; of the three *Narodniki* leaders, N. Mikhailovsky, Peter Lavrov and Lev Tikhomirov; and of the three outstanding pre-revolutionary statesmen, Pobyedonostsev, Count Witte and Stolypin, are of particular interest. Brier portraits of the religious philosophers, Vladimir Solovyov, N. F. Fyodorov and V. V. Rozanov, as well as of the last of the great anarchists, Prince Kropotkin, complete the volume. The author, who lectures in the School of Slavonic and East European Studies of the University of London, patches many a hole in the web of Russian pre-revolutionary intellectual and political development, but fails to answer the more fundamental questions of "why" and "how" which he sets himself in his introduction. Specialists will find documentation rather insufficient.

Russian Liberalism: From Gentry to Intelligentsia. By GEORGE FISCHER. (Cambridge, Mass.: Harvard University Press. 1958. Pp. 240. $4.50.)

The gaps in English writing and research on Russian pre-revolutionary intellectual history are being filled in rapidly. The present study is a lively discussion of Russian liberalism between the Great Reforms of the 1860's and the Revolution of 1905. Not satisfied with mere narrative, the writer is trying to see Russian liberalism "as an unexplored vantage point for much analyzed and central problems: Russian historical evolution, the nature of Russia's intelligentsia, the West's own liberalism, underdeveloped societies." He certainly succeeds in shedding much light on the first two problems; it is also rather fascinating to look at Western liberalism through the distorting mirror of its peripheral reflection; but it is doubtful that this particular study provides more than a few suggestions for parallels with other types of underdeveloped societies. For such an ambitious task much more would have to be told, e.g., about Russian geographical, demographical, economic and social conditions. Professor Fischer's study takes the form of a well written, highly readable essay followed by a full bibliography and rather sparse notes. As a scholarly contribution to Russian pre-revolutionary history it is of the first order. One wishes the author would have brought it up to 1917 in order to answer the most fascinating questions of all: why was Russian liberalism unsuccessful between the two Revolutions and could it have had a chance under different internal and external conditions?

The French Religious Wars in English Political Thought. By J. H. M. Salmon. (Oxford: The Clarendon Press, 1959. Pp. vii, 202. $4.00.)

Much light from a new quarter is shed on an old subject in this book. By the analysis of numerous tracts and controversial works it is conclusively shown that French political and historical writing about the wars of religion exerted a strong influence on English thought during the seventeenth century. This contribution was most notable among the monarchomachs, as the opponents of absolutism are termed, who borrowed freely from Huguenot doctrines of resistance. Thus the book constitutes an important addition to the literature of English revolutionary thought, whose origins have hitherto largely been sought in native religious dissent and a novel interpretation of the historical constitution. Royalists also drew on the French experience, and Bodin's idea of sovereignty was freely adapted to theories of the divine right of kings and the royal prerogative, with consequences which Bodin had hardly intended. In short, every party in the great crises from 1640 to 1689 found in the history of the French religious wars an armory of arguments. The systematic examination of these, and the intermediaries through whom they passed, is a valuable contribution to the history of political thought and a model study of the migration of ideas.—P. H. Hardacre, *Vanderbilt University.*

Carl Becker's Heavenly City Revisited. Edited by Raymond O. Rockwood. (Ithaca: Cornell University Press. 1958. Pp. xxxii, 227. $4.80.)

Of all books on the Enlightenment, Carl Becker's *Heavenly City of the Eighteenth Century Philosophers* has probably been in America the most widely read and widely influential; since its publication in 1932, over 11,000 copies have been sold. In a day-long symposium, part of the 1956 meeting of the New York State Association of European Historians, a group of specialists in eighteenth-century history presented predominantly critical assessments of the book, interspersed with tributes to its author and some attempts to explain the relationship between the two. Their papers and discussion, here reproduced and expanded, will provide non-specialists with a badly needed corrective to many of Becker's general and specific assertions and with considerable incidental illumination on historians' present understanding of the Enlightenment. Instances of Becker's misstatements of fact and slippery logic are pointed out particularly by Peter Gay and Ralph H. Bowen; Henry Guerlac rebuts some current misconceptions about science and "Newtonian philosophy" in the Enlightenment, to which Becker's inaccuracies have contributed; in an especially impressive essay, Walter Dorn compares the theses of *The Heavenly City* with concepts of the Enlightenment formulated in approximately contemporary studies and with the consensus of present scholarly judgments and gravely concludes that Becker's determination to view the Enlightenment from the single perspective of continuity resulted inevitably in "distortions [that] cannot be regarded as . . . unimportant." Leo Gershoy, Edward W. Fox, and R. R. Palmer, among others, trace a connection between Becker's distorting perspective and his basic disbeliefs. "The interesting problem raised by *The Heavenly City*," Palmer suggests, "is not whether its picture of the eighteenth century is valid, but whether we are to accept the philosophical position that gives it such validity as it has."—Ewart Lewis, *Oberlin College.*

The Papers of Thomas Jefferson. Volume 15: 27 March 1789 to 30 November 1798. Edited by Julian P. Boyd assisted by William H. Gaines, Jr. (Princeton: Princeton University Press. 1958. Pp. xxxix, 677. $10.00.)

With one exception, this volume does not contain any of the famous Jeffersonian statements of principle. The exception in his letter to Madison (September 6, 1789) in which he first expounded the proposition that "the earth belongs in usufruct to the living" (pp. 392–7). The editors point out that the proposition had reference particularly to France.

It is, none the less, a fascinating volume. It contains Jefferson's observations, written from Paris to Jay, Madison, and others, on the stirring events of June and July in Paris; the record of Jefferson's not entirely successful attempt to maintain a diplomatic aloofness from internal French affairs while remaining in close association with Lafayette; a documentary account of Jefferson's involvement in Mirabeau's attack on Necker for the shortage of grain, an incident that in the opinion of the editors "must have been the most embarrassing incident of Jefferson's years as a diplomat" (p. 244). There are also included in letters from Madison and others some sketchy reports on the establishment of the new government at home and Jefferson's response to the reports. All this is interspersed with the record of the daily business of Jefferson's office in the months when he was waiting for authorization to return to the United States and for an appropriate vessel to carry himself and his family to Virginia. The volume concludes with the landing at Richmond in November, 1789, where Jefferson learned of his appointment to the office of Secretary of State.

An appendix gathers up supplementary documents for the period 1772 to 1790, which were discovered too late for publication in the appropriate earlier volumes.

The English Utilitarians and India. By Eric Stokes. (New York: Oxford University Press. 1959. Pp. xvi, 350. $7.50.)

This is quite a curious and fascinating book. It is not really about the Utilitarians, nor indeed is it about India. Rather it is an analysis of the extent and manner in which Utilitarian doctrines found application in the government and politics of nineteenth-century India. Mr. Stokes has hit upon one of those insights into a relationship that come all too rarely to the working scholar and he has here exploited it systematically and with relish. The result is a real contribution to the study of both Indian history and British political thought.

The author is concerned to emphasize the practical aims and influence of the Utilitarians rather than their position as moral and political theorists. Although their direct influence upon events in England was cut short by their political failure (the indirect influence being conceded), in India their doctrines had a fuller and more immediate effect. In Mr. Stoke's view, the policies by which India was managed were deduced directly from the corpus of Utilitarian theory and the history of nineteenth-century India thus displays a completeness and coherence that contrast sharply both with the British politics of the period and also with the common view of British colonial policy as one of shifting accommodation to changing environments—empirical imperialism. The author makes a very good case of it and, if all his readers aren't convinced, they will at least be entertained and enlightened by an original and stimulating book.

The Political Thought of John Henry Newman. By Terence Kenny. (New York: Longmans, Green and Co., Inc. 1959. Pp. vii, 208. $5.00.)

Mr. Kenny, tutor on the Bristol University Extra-Mural Staff, has taken upon himself the onerous task of collecting and presenting Newman's political ideas. The author belongs to the growing group of Roman Catholic thinkers who find neo-Thomism inadequate as an explanation of reality in general and thus unable to furnish a foundation for a Roman Catholic social theory. E.g.: "It is not merely that Newman avoids the Thomist terminology but also, since he does not base his politics on Thomist metaphysics and keeps close instead to a native British empiricism, he retains the possibility of influencing those to whom Thomist metaphysics are unacceptable" (p. 189).

Since Newman's ideas on the subject are strewn throughout his writings, any coherent presentation of his thought is of necessity a reconstruction. Mr. Kenny is fully aware of the difficulties such an undertaking involves. In the case of Newman they are compounded by his changes of attitudes and, above all, by the subtlety of reasoning which conjoins ideas often considered mutually exclusive in a delicate balance. Newman is a conservative, but not a tory; a liberal but not a relativist; a believer in the repetitiveness of the historical process made up of unique events, in short, an open-minded dogmatist. This state of mind accounts for Newman's advocacy of tradition and of innovation and his commitment to the guidance of the Roman Catholic Church whose temporal powers he denied. Though the author takes great care not to force his subject, one gains the impression that he has not been wholly just to Newman in that his interpretation goes beyond what is warranted.

The most interesting aspects of Newman's teachings are his attempts to provide a rudimentary sociology of knowledge culminating in a sketchy version of the theory of "myths," his rather Burkean views of nation and tradition and his non-metaphysical approach to man and the state. Newman stresses the need for observation and induction from which general laws are to be derived. But, as Kenny shows, his applications of his own prescriptions would seem to militate against their value.

The deep awareness of original sin and his non-metaphysical view of men in society guide Newman in the direction of denying to justice the character of an essential element of the state. The relative justice obtaining in the state is merely the consequence of some social order and not immediately connected with moral justice and the eternal decrees. This separation of the moral and the existential orders leads Newman to approve the neutral secular state and to deny the temporal power of the Church. Newman's unwillingness to force all of reality into a single monolithic teleological scheme derives ultimately from theological considerations.

Mr. Kenny argues that Newman's commitments to liberty and to the state as a concrete expression of the nation could be used to defend the modern democratic state. This appears however to be an unwarranted inference. It is unlikely that an admirer of things intellectual, given to somewhat snobbish sentiments and disdainful of the uneducated masses, whose capacity for instruction he doubted, could be a devoted democrat. In fact, the author shows quite clearly that Newman accepted the democratic consequences of the Reform Bill of 1832 as inevitable, but without a trace of enthusiasm. He did so because he judged the British constitution to be the perfect expression of the nation and not because he accepted the theory of democracy as such.

The author's work is based upon a thorough study of Newman's works and his unpublished manuscripts. Moreover, it demonstrates a good knowledge of the relevant literature. It is the first full-length treatment of Newman's political ideas and the cardinal emerges as a theorist of considerable stature. While this study is of value to students of the history of ideas and to political theorists it is not definitive.—ULRICH S. ALLERS, *Georgetown University.*

Walter Bagehot: A Study of His Life and Thought Together with a Selection from His Political Writings. BY NORMAN ST. JOHN-STEVAS. (Bloomington: Indiana University Press. 1959. Pp. xvi, 485. $7.50.)

It is important to say just exactly what this book tries to do, because what it tries to do is important, because it is really several books in one, and because it does its several tasks extremely well. Although G. M. Young has called Bagehot "the greatest Victorian," in this generation people mainly talk about him without bothering to read him, and in the next generation they are not likely even to talk about him. St. John-Stevas tries to rescue him from this undeserved oblivion. The author's problem was that there were apparently several ways of doing this and he has decided to choose not merely one but all of them.

First, he has provided a brief critical biography of about sixty pages. In this he is concerned not only to supply a chronology but also to assess Walter Bagehot and his views on a number of matters, such as religion, economics, and literature. Secondly, the volume supplies a broad selection of his major political writings, most of them from the days of his editorship of *The Economist.* These include biographical sketches of political figures, letters on the French *coup d'état* of 1851, and several articles on Parliament and politics; surprisingly there are only ten pages from *Physics and Politics.* Thirdly, there is reproduced the whole of the second edition of *The English Constitution.* And fourthly, there is a brilliant sixty-page summary of constitutional developments since Bagehot wrote. This section itself is worth the price, for the student of British government will find it an extremely useful and concise aid to his labors, and if it leads him back to Bagehot himself, so much the better. Finally to all this is added a good bibliography and a competent index.

St. John-Stevas has had a glorious time writing this book and the reader can readily share his pleasures. Bagehot himself, using one of his favorite labels, would doubtless have called it "first rate."

Austrian Catholics and the Social Question, 1918–1933. BY ALFRED DIAMANT. (Gainesville: University of Florida Press. 1959. Pp. 81. $2.00.)

This short monograph, a portion of a study which will soon be published on Austrian Catholic social and political thought, is an important contribution to the small list of scholarly, critical works on Catholic social thought. While it is concerned largely with the writings of Austrian Catholic social analysts, it raises more general questions than the title might indicate. It contends that the conservative-clerical, corporative State which destroyed democracy in Austria was the logical outcome of Catholic social and political thought. More important, it questions the validity of the bases of all Catholic social thought.

During the post World War I period in Austria there were two major schools of Catholic social theorists writing on the Social Question, defined broadly as the social effects of industrialization and capitalism. The first major school Diamant calls *Sozialreform.* In general, this group of writers was influenced by Romantic political and social ideas. They were reactionary, utopian, and uncompromisingly opposed to capitalism. The second group, identified by Diamant as *Sozialpolitik*, was prepared to make compromises with capitalism and modern times, but was still, in the author's opinion, shackled to a set of ideas which were contradictory and unrealistic. Ignaz Seipel and Engelbert Dollfuss were members of the Sozialpolitik group. Both major groups of social thinkers, with few exceptions, loathed democracy and desired to see it replaced by an authoritarian, corporative state. In Austria, the papal encyclinical *Quadragesimo Anno* (1931) supplied ammunition for an assault on democracy and trade unions, although it was interpreted in many ways. Both schools sharply condemned the social consequences of economic liberalism, and both blamed capitalism for the disintegration of the organic society and the destruction of social groups in which men had lived in harmony.

Diamant believes that the "failure to distinguish between the state as the area of compulsory action and society as the area of voluntary action [was] the outstanding feature of Catholic thought." This failure, he believes, stemmed from a tendency of Catholic social thinkers to conceive of human life in unitary or monistic terms while living in a pluralistic society. Society is not motivated by a single purpose, as he contends Catholics believe, nor is harmony always achieved from the interplay of social groups. By entrusting the state with the responsibility of realizing the social purpose Austria's Catholics permitted clerical-conservatives to subvert both state and society for their own purposes.

Diamant finds the Austrian Catholic social analyst to have been not only naive and unrealistic, but ignorant of contemporary social and economic conditions which made many of his assumptions invalid. But the indictment of Catholic social thought is more inclusive than the nation, the period and the men surveyed in the monograph. "Fundamentally . . . the inadequacy of Catholic thought in general, as well as Austrian Catholic thought in particular, lies in its inability to devise a set of concepts applicable to the modern, complex, multigroup society." This is a serious charge which Catholics should be prepared to answer.—Bruce B. Frye, *Colorado State University*.

Legal Personality and Political Pluralism. Edited by Leicester C. Webb (Melbourne University Press: New York: Cambridge University Press. 1959. Pp. xvi, 200. $5.50.)

The editor of this collection of eight essays by Australian jurists and political scientists observes in the preface that there is "a close interaction between the doctrine of legal personality and prevailing ideas about groups and the State, and it is therefore profitable for lawyers and political scientists periodically to assess trends in this doctrine and the relationship between these trends and developments in the structure of the political community." The book is an effort as such assessment.

American political scientists will have special interest in Professor Webb's own contributions, "Corporate Personality and Political Pluralism" and "Pluralism and After." Professor David P. Derham's "Theories of Legal Personality" and Mr. S. J. Stoljar's "The Corporate Theories of Frederick William Maitland" are also of general interest to legal and political theorists.

The other four essays, despite their broad titles, "The Internal Affairs of Associations," "Legal Personality and the Trade Union," "Government as Personalized Legal Entity," and "Churches and the Modern State," are fairly strictly limited to Australian, or at most, British Commonwealth experience and law. An American reader will have some reflections on problems of freedom and control of Australian voluntary associations from his own country's practices. He will notice a virtually complete absence of reference to political parties as a source of trouble for the law, despite a federal system, a written constitution, and judicial review. Problems of religious freedom and religious establishment also seem less stubborn, but the chronicler of the Australian experience shows less than familiarity with ours.

The quite different and much more extensive system of regulation of relations of employers and trade unions still raises much the same questions. Mr. Martin writes: "attention is concentrated on the question of the legal conditions which should be applied to the unions in order to make compulsory arbitration effective, instead of being directed towards the more fundamental question of the proper place and functions of unions in the total structure of a political democracy . . . it may be asked whether compulsory arbitration has not given rise to, or at least encouraged, a somewhat narrow and oversimplified view of the notion of public responsibility as it relates to unions operating in a political democracy.... New legal solutions may provide part of the answer; in a political democracy they cannot provide anything like a complete answer."

No startling theories are advanced by the various authors, but all have solid scholarship and write lucidly. They have achieved their purpose to a commendable degree and produced a work of value to all students of the subject. Although very few American cases are cited, there is familiarity with the American literature. Overall, the book is a contribution to the still short but growing list of studies of the law and politics of voluntary associations which provide materials from which, hopefully, in the future a comparative analysis of the subject will be drawn.—Robert A. Horn, *Stanford University.*

Research Methods in Social Relations, Revised One-Volume Edition. By Claire Selltiz, Marie Jahoda, Morton Deutsch and Stuart W. Cook. (New York. Henry Holt and Company, Inc. 1959. Pp. ix, 622.)

In reducing two volumes to one the authors of this familiar handbook (joined by Claire Selltiz) have substantially reorganized their materials while enriching the content. Practically all topics treated in the earlier edition are dealt with here too. There is noteworthy expansion of many discussions and several worthwhile additions. So this work still presents a greater variety of techniques in data collection, analysis and reporting than any other single volume.

The major revision involves integrating into a single line of discussion most of the original Volume 2 ("Selected Techniques"). At the same time, by careful rewriting throughout, the earlier focus on the problem of prejudice has been broadened to a concern with social science more generally, even though the perspective is still largely psychological and the illustrations mostly the same ones used before. At many points, for example in the discussions of the concept of causality and causal inference, the rewriting reflects cleaner conceptualization and not just stylistic improvement. Several significant shifts in emphasis are noticeable—among them, the shift from "practical" and "diagnostic" to "exploratory" and "experimental" studies, and from concern with the "precision" of measuring instruments to concern for their validity and reliability.

The net result is an edition oriented somewhat more toward fundamental philosophical problems of scientific methods of social research as "basic science" and somewhat less toward purely descriptive "how-to-do-it" mechanics of research chores, which nevertheless retains its original value as a practical guide to the beginning researcher. It is doubtful that the authors have attained their announced goal of making this edition more suitable than the original one for undergraduate use. But most readers, whatever their preparation, uses or needs, will undoubtedly find this revised edition even more useful than the first.—John C. Wahlke, *Vanderbilt University.*

Sociology and the Military Establishment. Prepared for the American Sociological Society by Morris Janowitz. (New York: Russell Sage Foundation. 1959. Pp. 112. $1.50.)

As a political sociologist, Morris Janowitz can usually be found pioneering on the frontiers of political science. He has already made a number of contributions in his studies of propaganda, psychological warfare, community power structures, voting behavior, and the prestige of public employment. He is now in the vanguard of the developing interest of social scientists in the role of the military in modern society. *Sociology and the Military Establishment* is, in part, an inventory and analysis of the work which sociologists have done in this area. As such, its interest might be limited to sociologists, on the one hand, and military men, on the other. More significantly, however, it is also a brief statement of numerous general and highly original hypotheses concerning organizational trends in the military establishment, many of which will be elaborated at greater length by Professor Janowitz in his forthcoming volume on *The Professional Soldier*. The present study covers such subjects as the interaction between hierarchy and authority in the military, the nature of military roles, the place of primary groups in military organization, techniques of organizational control, and the relation of the soldier to the new imperatives of foreign policy. It is a necessary starting point for anyone interested in the social structure of the military and in the implications of the recent changes in that structure for American political life.—Samuel P. Huntington, *Columbia University.*

Bureaucracy, Aristocracy and Autocracy: The Prussian Experience, 1660–1815. BY HANS ROSENBERG. (Cambridge, Mass.: Harvard University Press. 1958. Pp. xi, 245. $5.00.)

This small volume is an historian's interpretative essay on the rise of the Prussian bureaucracy as an autonomous and aristocratic political force and its relations with contending forces in the Prussian state. Neither an institutional nor an intellectual history, it assumes rather than provides a knowledge of Prussian administrative organization, doctrine, and techniques in the period under review and argues, in fact, that "bureaucratization" and centralization were only imperfectly achieved in that period. Thus, while containing some interesting illustrations of particular points—e.g., the eighteenth century tension between patronage and merit in the bureaucracy, or the shifting social origins of upper bureaucrats—the book is basically an effort at sociological history in the grand manner centering on the three categories set forth in the title, and on the monarchy, the old officialdom, the aristocracy, and the "new bureaucracy." The treatment of the bureaucracy—"the formation and transformation of a social and political group, as such"—is consistently tendentious with respect to merit and motives. There are, however, some interesting and useful comparisons with contemporaneous developments elsewhere in Europe.

Intellectual Trends in the Ch'ing Period. BY LIANG CH'I-CH'AO. TRANSLATED BY IMMANUEL C. Y. HSÜ. (Cambridge, Mass.: Harvard University Press. 1959. Pp. xxii, 147. $5.75.)

Immanuel C. Y. Hsü has translated into English a very important book, originally published in Chinese in 1921. Although not a definitive work, the book is important for two reasons: (1) it provides information and an insight on an important subject—the intellectual history of China during the Ch'ing dynasty, 1644–1911—and (2) its author, Liang Ch'i-Ch'ao, was himself one of the more prominent figures in Chinese intellectual and political life from the 1890's until 1929.

Part I is entitled "The Early Ch'ing Period: The School of 'Practical Statesmanship' and Other Trends." Part II covers "The Middle Ch'ing Period: The Dominance of the School of Empirical Research: The Beginnings of Reaction." Part III deals with "The Late Ch'ing Period: The Modern Text School and Other New Trends."

The translator has written an informative introduction and provided notes and bibliographical information. There is a foreword by Benjamin I. Schwartz.—E. C. CARLSON.

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AMERICAN GOVERNMENT AND POLITICS

Congress and the American Tradition. By James Burnham. (Chicago: Henry Regnery Company. 1959. Pp. x, 363. $6.50.)

James Burnham has written a tract for conservatives. In the process of describing the tendencies of institutional development in American politics, he has articulated what he calls the "conservative syndrome" of political norms, contrasted it with the "liberal syndrome," and concluded that conservatives are getting the worst of it. His descriptive thesis is familiar; namely, that Congress as an institution has declined in power relative to the other branches of government. He notes that the states have lost power to the central government, but apparently feels that there is little hope of redressing that particular balance. The major shift in power with which he is concerned is away from Congress and toward the Executive. In the twentieth century and particularly since 1933, Congress has been unable to match *de facto* Executive control over purse, sword, foreign policy or administration with its formal constitutional authority. The President as a person has vastly greater authority, and the bureaucracy has also accumulated much power. The courts, essentially an appendage of the Executive, have assisted this transfer of power through unrestrained use of judicial review. "Judicial vetoes" have been especially frequent since 1940! (p. 109). Lobbies, reflecting the dispersion of power which Burnham holds to be essential to liberty, are useful counterweights to Presidential Caesarism, but they like Congress seem to be in decline. Burnham gives interest groups only two pages of cursory discussion.

To Burnham, the decline of Congress reflects, in part, the growth of "democratist" ideology and the consequent attack on the non-majoritarian features of Congress; in part, the development of a mass public, undifferentiated in political interests and particularly responsive to charismatic leadership available only from the Executive. Burnham takes extreme pains to show that all this is contrary to the intention of the Framers. His footnotes are disproportionately from the *Federalist Papers.* More important, he views the changes as dangerous to conservative values. Conservatives find their best hope in Congress, for Congress is an institution which embodies the principle of fragmented power. The fragmentation of power is the essence both of the conservative syndrome and of liberty, though these may be synonymous. Thus, "if liberty, then Congress; if no Congress, no liberty" (p. 304).

Burnham would have done well to include a careful consideration of the Federalist paper notably absent from his footnotes; namely, No. X. Only occasionally does he give explicit attention to the heart of his argument, the pattern of interest representation in Congress as contrasted with that developing through the other branches. His major theoretical effort is concentrated at a higher level of abstraction, on which he sets up Liberty, on the one hand, against the power of formal governmental institutions, on the other. Consequently, some difficult factual and theoretical contradictions are glided over simplistically.

Burnham asserts that conservatives believe in decentralization of power, while liberals are declared to be against such institutional arrangements because in the school integration controversy they attack states' rights as inhibiting the federal judiciary's desegregationist program. Are not the policy consequences what are important for liberals and conservatives alike, rather than institutional arrangements as such? For example, conservatives opposed the state "Little Wagner Acts" during the thirties and enthusiastically supported national legislation restrictive of union power in the forties and fifties. When either group, conservative or liberal, identifies too uncritically with a particular institutional formula for protection of its interests, it tends to overlook the historical evidence that changing patterns of interest representation transform the values thought to be inherent in the institution. Had Burnham been writing on behalf of the same values prior to 1937, he would have praised the Supreme Court as the bulwark of liberty, and cast Congress in the role of attacker.—Robert H. Salisbury, *Washington University (St. Louis).*

Education and Military Leadership: A Study of the R.O.T.C. By Gene M. Lyons and John W. Masland. (Princeton, N. J.: Princeton University Press. 1959. Pp. xvii, 283. $5.00.)

This book claims to be simply an historical and analytical study of the relationship of the ROTC programs to higher education and national defense. It is, however, much more than that. For it is also a fascinating, detailed, balanced, and critical case study of the problems of adjusting traditional American military policies and institutions to the requirements of the Cold War. As such, its interest and its implications far transcend its subject. Although the ROTC has nineteenth century roots in Alden Partridge's ideas of the need for citizen officers and the Morrill Act of 1862, the program really got under way during the fundamental reconstitution of American military policy between the 1890's and 1920. This period saw the old Indian-fighting Army pass into history. Instead of continuous involvement in frontier police actions, the main purpose of the Army now became preparation for a great future mobilization. As a result, the General Staff was created as a planning agency, and a system of organized reserves (which the Army had never had and never needed in the nineteenth century) was brought into existence. The ROTC program was a part of this development. Its purpose was to train reserve officers who presumably could step in and assume military leadership roles when the nation mobilized for war.

Since World War II American military policy has been going through another reconstitution even more fundamental in nature than that which preceded World War I. Instead of small regular forces backed by a large reserve and mobilization potential, the requirement now is for substantial, ready, professional forces-in-being. The basic problem which Professor Lyons and Masland are concerned with is: How well have the ROTC programs adapted to this shift from a strategy of mobilization to a strategy of deterrence? The answer is complicated. The change was less difficult in the Navy than in the other services, and careful and intelligent planning gave the Navy a significant head start. The Air Force problem was complicated by its immediate postwar struggle for independence and difficulties in estimating its requirements. The Army, however, faced the greatest problem. Its large interwar ROTC program was an integral part of its reserve structure. After World War II the Army was torn by a continuing struggle within its own ranks between those who supported the old reserve training concept of the ROTC (led by the Executive for Reserve and ROTC Affairs) and those who viewed the ROTC as a source of active-duty officers (led by G-1). Eventually an uneasy compromise resulted. The authors still feel, however, the "ROTC programs are not contributing adequately to the strong professional officer base required for the forces-in-being."

As the authors point out, the change in the nature of the service requirements affects the entire relationship of the ROTC programs to other manpower needs and to higher education. Before World War II lawyers and engineers could also be ROTC reservists. Now, however, the armed services need career professionals. They are consequently directly competing with all the other sciences and professions. The ROTC problem is thus but one aspect of the revolution in the nature and importance of the professions in American society and of the greatly increased demands in all fields for skilled and specialized manpower The authors conclude that "the incentives for entering and remaining in certain professions must be increased, particularly in science, teaching, the arts, *and the military profession.*" The solution, the authors (rightly) believe, lies not in comprehensive national manpower planning, but in voluntary and cooperative action by universities, professional associations, foundations, and other institutions in society at large.

For the student of politics and public administration, this book also has many side benefits and stimuli. To what extent, for instance, was the remarkable contrast between the performance of the Navy and the Army in procuring officers during the World War II period rooted in differing military requirements, different organizational setups for handling personnel planning, or different service viewpoints and philosophies? Similarly, the ROTC experience throws much light upon the problems of interservice coordination and competition. The varying relations of the colleges and universities to the services offer lessons, as well as the division in the ranks of the former between the Land-Grant colleges and the private ones. The problems of planning for a long lead time (four years) product also are explored with implications which may be relevant to missiles as well as second lieutenants.

To call a book "objective" is to insult its authors. For the scholar, as Salvemini said, "Impartiality is a dream, honesty a duty." Fortunately, this book is neither impartial nor objective, but it is honest. The authors carefully analyze all the ins and outs of a complex problem and argue their case fairly and persuasively. Although hardly a major problem of military policy, the ROTC program is in many ways a typical one. This book sets a model for precise, lucid analysis which could usefully be applied to a score of other policy problems.—Samuel P. Huntington, *Columbia University.*

The Paradox of Progressive Thought. By David W. Noble. (Minneapolis: University of Minnesota Press. 1958. Pp. x, 272. $6.00.)

History of the Progressive Party, 1912–1916. By Amos R. E. Pinchot. Edited by Helene Maxwell Hooker. (New York: New York University Press. 1958. Pp. ix, 305. $7.50.)

The only thing in common between these two books is that they are related to the Progressive era. Professor Noble's study is a venture in the history of ideas, reflecting the interpretation of a painstaking academician. Pinchot's work, on the other hand, is that of an active participant in a bubbling social movement. The first is abstract and formal; the second is blood-and-sinews, spontaneous, personal.

Noble sets out to explore and analyze the climate of opinion which conditioned the Progressive movement. For a model, he chooses Carl Becker's *Heavenly City of the Eighteenth Century Philosophers*, as it applied to an earlier period. The essential "paradox" which Noble finds in Progressive thinkers is that they believed in salvation through a rational industrialism rather than a return to primitive savagery. "They could postulate total freedom accompanied by total uniformity as a basis of the completed cooperative commonwealth which would be the Kingdom of God on earth."

Aside from a general introductory and a concluding chapter, Noble's study consists of a series of essays about leading thinkers of the era. Herbert Croly, James Mark Baldwin, Charles H. Cooley, H. D. Lloyd, Thorstein Veblen, and Walter Rauschenbusch are among those whose ideas are dissected. Noble succeeds in showing how each of these men, in his own way, developed an optimistic philosophic outlook. In so doing, each embraced the major paradox of Noble's thesis, along with the opposites of individualism and collectivism, savagery and sophistication, science and faith. While this method of presentation provides tightly-packed summaries of the ideas of these particular gentlemen, it imposes upon the reader a rather tedious burden. It is hard to swallow, chapter after chapter, successive capsules containing the intellectual history of diverse individuals The author is skillful in weaving connecting threads throughout these chapters; still, his method involves much repetition and leaves the reader with a case of ideational indigestion.

Amos Pinchot's *History of the Progressive Party* is a less profound work but, alas, more readable. As the product of an active reformer rather than a theoretician, it shows that ideology has less influence upon history (events) than Professor Noble infers. The author was a well-educated man and widely read; yet he seems far removed from concern about logic-chopping. He threw himself into politics because he thought corporate monopolies were exploiting the common people and corrupting their government. There is no evidence in his "inside story" of the Party that he worried about free will, the relation of the individual to society and history, or the paradox of savagery and civilization. The only paradox that bothered Amos was that the financial manager and spokesman for the anti-monopolistic Bull Moose party should be one George W. Perkins, a manager of the Morgan trusts. Robert M. LaFollette, Theodore Roosevelt, and the other leading reformers of this period were likewise free from theoretical bondage. They saw abuses, corruption, ugliness. They were inspired by personal ambitions of various sorts, seeking avenues of expression. Hence, they acted, maneuvered, compromised, succeeded, failed. Philosophical premises and postulates, if brought into the arena of politics at all, were used to justify an action rather than to point a direction.

A brief biographical sketch of Pinchot is deftly drawn by the editor, Helene M. Hooker. The *History* itself was never completed and has been put together from major fragments in the Pinchot Papers. This task was well worth doing, for it tells the reader a great deal about Amos, little-known brother of the more prominent Gifford. It is strictly personal, rather than "objective" history. Perhaps its main point is that the Progressive party of 1912 embraced elements that were fundamentally incompatible. The anti-monopoly hopefuls had to work in an organization which could have been launched only with the financial support of Perkins and other scions of wealth. Yet this dependence upon such men gave to Perkins a decisive power in the Party—a power great enough to block the trust-busting aims of the anti-monopoly element. It was clear then as now that the Party was thus divided against itself. Only a passionate, irrational, wishful drive kept men like Pinchot in the movement until it died a natural death in 1916. The dilemma of the Bull Moose is, of course, the dilemma of any movement in America which sets out to reform business.

On quite different levels of discourse, the Pinchot *History* and Noble's *Paradox* are valuable additions to the expanding list of Progressive literature.—Thomas H. Greer, *Michigan State University.*

Public Policy: A Yearbook of the Graduate School of Public Administration, Harvard University, Volume VIII, 1958. Edited by Carl J. Friedrich and Seymour Harris. (Cambridge, Mass.: Graduate School of Public Administration, Harvard University. 1958. Pp. 410. $5.00.)

This eighth in a series of annual volumes on public policy by the Littauer School ranges widely among three major themes: defense, democratic planning, and selected phases of the political process. Like most symposia the essays are not joined together by any common element; even within the major substantive areas there is no unifying theme. However, the essays do share an essentially historical system of analysis. Propositions about political and economic behavior are validated by historical analogies from a variety of cultures and periods. While these analogies are always germane, they are necessarily selective. As a result, one occasionally wonders whether antithetical propositions might not be equally well supported by historical analogies from another context. This analytical difficulty probably reflects one's conception of the uses of history, i.e., whether one accepts the proposition (as the authors seem to do) that those who ignore the mistakes of history are bound to repeat them, or whether, alternatively, one believes that the only lesson history teaches is that history teaches no lessons.

This notwithstanding, most of the essays are both timely and informative, and one must be frustrated by space limits that permit only brief comments upon so few of them. S. P. Huntington's *Arms Races: Prerequisites and Results* deals with the critical issue of our time: the unprecedented contest between the U. S. and the U.S.S.R. for military superiority. Huntington differentiates "qualitative" and "quantitative" types of arms races. The former are defined as those where ". . . the principal policy issue is the extent to which resources and manpower should be diverted from civilian to military use" (p. 76). The latter are defined as those in which ". . . the principal issue is the extent to which the new weapons systems should replace the old 'conventional' ones" (p. 76). The second or qualitative type of race is said to be much less costly, disruptive, and less likely to culminate in open war.

Huntington believes that the present arms race between the U. S. and the U.S.S.R. is *qualitative*, and cites as evidence "the years 1953–56 [which] saw the progressive adoption of nuclear weapons in the American armed forces, yet military budgets during this period at first dropped considerably and then recovered only slightly, as the increased expenditures for the new weapons were more than compensated for by reductions in expenditures for nonnuclear forces" (p. 77). Not only the economy values of the Eisenhower Administration, but the upward trend of military spending since 1956 must be taken into account in essaying this judgment. Certainly, when over half the federal budget is devoted to arms, it is a moot point whether we are in a "qualitative" race which is less costly and disruptive than the "quantitative" type.

Huntington ends on an encouraging note: in the present international arena the arms race itself may become a surrogate for open war. Indeed, "this may well be a most desirable form of competition between the Soviet Union and the United States" (p. 83). While experience with structural-functional analysis and its built-in conservative bias leads us to suspect judgments that conclude that existing conditions and policies are all for the best, certainly we can all join in the hope that this conclusion is valid.

H. H. Ransom's *Politics of Air Power* is another defense policy essay of current relevance, although one wishes that his analysis had been carried further into contemporary strategic issues. The efforts of air advocates in Britain, Italy, and the U. S. to establish an autonomous air force are traced. Billy Mitchell's frenetic activities are outlined, and his net impact is said to have been much less than popularly assumed. In Britain, the strategy of air power fit nicely into traditional defense concepts; moreover, "no separation of powers existed through which the vested interests of Army and Navy thinkers on this issue could combine with allies within the Cabinet and Parliament to block the Government's determination to alter radically its air organization" (p. 94).

Despite differences in military traditions, political systems, and foreign policies among the three powers, Ransom concludes that "nations maintain the kind of military structure and doctrine desired by political leaders rather than what is prescribed by constituted professional military experts" (p. 117). Here again, the problem of the selection and weighting of data arises. Certainly, in the case of the unification issue in the U. S. following World War II, professional military leaders, aligned with their Congressional supporters, were able to blunt severely Truman's efforts to rationalize the armed services. Moreover, while no consensus exists, many observers believe that since World War II military expertise has been the major factor in determining the allocation of national resources for defense, particularly in Congress' decision to favor the air force over against the army and navy. A review of legislative attempts to review and evaluate Department of Defense appropriation requests indicates that the committees raise very few questions about the strategic assumptions underlying Defense requests. Chairman Vinson of the House Armed Services Committee has been particularly frank in asserting Congressional dependence upon military leaders.

In the democratic planning sector of the volume, H. H. Fletcher, Jr.'s analysis of the nationalized Regie Renault company seems relevant to yet another vital policy issue: how the U. S. may best foster economic development in poorer countries. Of course, such areas will not be immediately concerned with automobile production, but they are and will be increasingly concerned with the problems of large-scale, state-owned organizations such as Renault. As Fletcher says, Renault is a striking case of how well a publicly-owned organization can operate "in the exclusive interest of the nation" (p. 174). Its production record and its vital role in France's export trade is "rarely contested." Moreover, Renault has never received financial help from the state in any form, and with the exception of a single year (1947), it has consistently shown a net profit.

Renault's experience is suggestive for poorer countries whose economic aspirations must include mass production systems similar to those in richer societies. Its decision to produce several models, including the Frégate whose size and price puts it beyond the means of most Frenchmen, provides a warning to developing economies. Its difficulty in obtaining investment capital is also relevant. Apparently, had Renault confined itself to the small, cheap 4CV model, its pressing need for more funds would not have arisen. On the other hand, a case is made for the production policy that was followed.

In the same context, F. A. Grassini's study of the iron and steel industry in poor countries provides data on production while noting their preoccupation with steel as a symbol of national power. Alternatives to domestic production, which demands huge investments and appropriate markets, are offered, but one suspects that nationalism will inhibit a more rational allocation of resources in these countries. Along with modern armies, heavy industry seems to be among the most compelling objectives of poorer countries.—ROBERT V. PRESTHUS, *Cornell University*.

What Roosevelt Thought: The Social and Political Ideas of Franklin D. Roosevelt. BY THOMAS H. GREER. (East Lansing: Michigan State University Press. 1958. Pp. xv, 244. $5.00.)

This book is an effort "to find and set forth precisely what Roosevelt thought on vital social and political questions." It not only examines his ideas and attitudes regarding practical events. It seeks to refine these into a formal system of beliefs. A portrait of Roosevelt as formal thinker is, of course, something of a novelty. Most students have emphasized his eclectic pragmatism, his distaste for abstract thought, the essentially intuitive and environmental sources of his attitudes. Even Tugwell, who ascribed to FDR a fairly explicit set of objectives, found that ends and means were often confused. And, in any case, practical objectives do not add up to a philosophy. Professor Greer does not stop to argue the issue. He presents his case and lets it speak for itself. In fact, however, only the first part of his book is primarily concerned with formal concepts—ideas on free will and progress, the pattern of history, the nature of men and of the state, and so on.

The larger and, in my judgment, the better part of the book becomes progressively more practical in focus as it develops Roosevelt's understanding of practical problems of electoral politics, world affairs, economic issues. On these practical matters, to the extent that it disregards its own prior conceptual commitments, the analysis is impressive. New Deal economic policy is illuminated by Roosevelt's practical economic understanding and by his commitment to a "purchasing power" theory of economic growth. The much-debated Roosevelt record on Communism is clarified by a salutary application of facts: FDR's aversion to Communism and his 1940 dictum to the American Youth Congress that "you have no American right, by act or deed of any kind, to subvert the government and the Constitution of this nation"; balancing this, his statement to a press conference in the same year that subversion "is a matter for the law-enforcing agents of the Government"—that is, for skilled professional judgment, not for emotional outbursts. As depicted, Roosevelt's concern for balancing human rights against the claims of security seems eminently reasonable, although unfortunately the author feels obliged to apologize for its "quaint ring in today's H-bomb era." For the most part, on practical issues, Professor Greer handles ideas and arguments with sureness and clarity. He writes with particular authority in depicting the shifts and the development of Roosevelt's thinking on world affairs. Here the book is at its best, free of commitments to philosophic consistency, explaining with candor and cogent realism FDR's inconsistencies and waverings, his painful movement toward a bold war policy. The sympathetic account conveys a real sense of the human, as well as the heroic side of FDR's leadership as America took the road to war.

Unfortunately, not all the book is on this level. I find the more abstract treatment of Roosevelt's philosophy, notably in the early pages, misleading and unreal. It is not that the analysis lacks for documentation. Professor Greer has gone through much of the Hyde Park material and he draws on the entire, massive, Roosevelt record. However, he accepts almost all of it as equally genuine Roosevelt and he rarely discounts the circumstances to which different statements were tailored. The result is a portrait in abstract formalism that is at best irrelevent, at worst erroneous. To say that Roosevelt "saw patterns in history" is to overstate his unintellectual faith in divine guidance. To place him in the Enlightenment tradition of optimism about human nature is to accept uncritically his public rhetoric and ignore the shrewd scepticism of his actions. And while, like almost any democratic politician, FDR can be made into a shirt-sleeve Aristotelian (who among us doesn't believe in the good life for man?), the comparison reveals nothing about him. These catalogued "beliefs," static and formal, just don't convey Roosevelt.

Unfortunately, too, Professor Greer is sufficiently impressed with this philosophic Roosevelt and so relentlessly serious is his approach to Roosevelt's thought that his respect carries over into, and weakens, his otherwise excellent practical analysis. He builds a sometimes tortured construct of consistency for FDR's attitude toward party and party regularity which is not only unconvincing but also ignores large chunks of data—Roosevelt's courtship of the LaFollettes and the Minnesota Farmer-Laborites, and his dubious undercover role in the 1934 California campaign, for example. His interpretation of Roosevelt's thoughts on American constitutionalism draws heavily on the polemics of the 1937 court fight, taken at face value. And he has great difficulty explaining the shift from Roosevelt, the states-rights governor, to Roosevelt, the nationalist president, simply because he treats it as predominantly a problem of philosophy.

I wish Professor Greer had taken his philosophic cue from a favorite Roosevelt remark (borrowed from Cleveland): "We are confronted by a condition, not a theory." Still, in spite of its incubus of formalism and its (to me) undue emphasis on Roosevelt's philosophy, this is an impressive book. Its reconstruction of "what Roosevelt thought" on practical issues is a fresh and valuable contribution.—WILLIAM H. BRUBECK, *Washington, D. C.*

Massachusetts People and Politics. BY J. JOSEPH HUTHMACHER. (Cambridge: Harvard University Press. 1959. Pp. x, 328. $6.50.)

The catalogue of intensive and penetrating studies of state politics grows longer with each year's publication list. To some this is evidence of the continued vitality of state government; others may see in it a symbol of decline in the C. Northcote Parkinson manner. But whatever the extent of governmental centralization, the process is not advanced within political parties. The quite leisurely pace of centralization of national parties assures the continued importance of the state as a fundamental unit in our political system. Accordingly the kind of background analysis of a state's politics that Joseph Huthmacher here provides is important precisely because it gets to the essence of our politics.

The book is primarily historical in method and approach, emphasizing the evolution of Massachusetts politics in the 1920's (literally from 1919 to 1933), a time of great concentration on ethnic politics. Massachusetts politicians of both parties were accommodating themselves to and doing their best to take advantage of the fact that an extraordinary proportion of Massachusetts people were of non-Yankee derivation. Tracing state and national campaigns blow by blow and analyzing election returns in considerable detail, Huthmacher builds up to the true climax of modern Massachusetts politics: the election of 1928. By skillfully categorizing towns, cities, and some voting districts according to their social composition he illustrates the political responses of various ethnic groups to the claims, deeds and misdeeds of the major parties and their leaders. He shows how Senator David I. Walsh acted as a forerunner for Al Smith's galvanic reaction upon Massachusetts politics. The 1928 campaign was for Massachusetts what V. O. Key has called a "critical election," and, although Huthmacher does not use the term, he has presented a fine case study of a critical election by putting it into historical perspective. There is moreover a certain timeliness to the book in view of Senator John F. Kennedy's covetous eye on the White House.

One may wonder at Huthmacher's characterization of his period as one of transition "from a rock-bound Republican stronghold to a Democratic state." (p. 260) It would seem more likely that the period was a transition from Republican dominance to two party politics as indeed his own data on electoral trends after 1932 tend to bear out (e.g., after the high tide of the New Deal had passed, Republicans won three of six gubernatorial elections down to 1952). One may wish too that he had dug more deeply into the factional systems of both parties. Factional systems are important in Massachusetts particularly because the two parties differ so much in the relative effectiveness of the leadership groups. To be sure he does chart the collisions of dominant leaders, but one keeps wishing he had done for this phase of political evolution what he did for ethnic influences. But this is to ask that he write a different book from the one he chose to write. What he set out to do, he did with excellence.—Duane Lockard, *Connecticut College.*

Marshall A. Robinson, *The National Debt Ceiling.* (The Brookings Institution, Washington, 1959, pp. vii, 104. $1.50.)

The federal government's responsibility for economic stabilization is almost unchallenged. The public policy implementation of Keynesian economics is widely, and, on the whole, successfully practiced. An economy with a large and growing public sector capable of significant compensatory expansion and contraction may not handle all stabilization problems for all time, but this is the theory and practice by which we now live.

Robinson's excellent study explores the workings of a carry-over from another era—from the pre-Keynesian period of restricted governmental programs. This is the public debt ceiling, the statutory limit imposed by the Congress on itself and on the Administration. Like most antiquarian relics the debt ceiling serves a ceremonial purpose. It permits the Congress to maintain the illusion that traditional canons of fiscal orthodoxy have been maintained and that the "crushing" burden of the public debt is held in check.

But the debt ceiling has not worked out very well. Interest costs have been increased. The ceiling has hampered the government's ability to deal with recession and has interfered with long range fiscal planning, particularly in national defense. It has encouraged the Administration in budgetary subterfuges. Ironically, from the standpoint of the Congressional economy bloc, the statutory limit has transferred some fiscal authority to the Administration by providing, in effect, an item veto over budgetary authorizations that threaten to break the debt limit.

The moral is unmistakable. Congressional limits on public debt cannot substitute for facing up to the realities of fiscal management. Effective debt and stabilization programs will sooner or later require abandonment of faith in the efficacy of statutory limits as a means of establishing fiscal responsibility.—Jesse Burkhead, *Syracuse University.*

The Study of Local Politics. By William H. Riker. (New York: Random House, 1959. Pp. 126. $.95.)

The Study of Local Politics is a manual of field research in political science written especially for undergraduate students. Its presentation of basic research principles and of common sense advice should help students to avoid many pitfalls. Its long and detailed bibliography should be particularly helpful.

Although entitled "local politics" for what Professor Riker calls "lack of a better name," the book is not restricted to municipal politics. While stressing that material for the study of politics is more accessible for students on the local level, Riker points out that the heart of American politics is local politics. Thus, he discusses the study of national and state politics at the local level as well as municipal politics

Some readers may question Riker's categorical statements on keeping the confidence of respondents, his insistence that major persons observed be allowed to read the reports, or his advice that researchers study candidates or parties with whom they are sympathetic. While these injunctions may be necessary for undergraduates, they would, if generally applied, seriously restrict the scope of political science research. With these possible exceptions, *The Study of Local Politics* may be as helpful for their instructors as for the students to whom it is primarily directed.—Wilder Crane, Jr.

Money and Politics. By Jasper B. Shannon. (New York: Random House, 1959. Pp. 126. $0.95.)

This interesting little volume attempts to:

(1) describe the historic and contemporary relations between money and politics in the United States; (2) compare American practices and problems in this area with those of Norway; (3) suggest financial devices designed to both strengthen political party organization and diminish political apathy.

The author succeeds in presenting a succint analysis of SOME of the major problems and practices in the American money-politics milieu. Unfortunately concern over the question as to who gives what to which party leaves another less obvious but extremely crucial question untreated, namely: Which candidates receive what amounts of money from their party after the party coffers are fairly well filled? The system of intra-party distribution of funds on both State and National levels of activity, seldom understood by political scientists through sheer lack of contact with these somewhat clandestine disbursements, needs serious attention and explication in any book which suggests it treats of "Money and Politics" in America.

The material on Norway reminds us that the American political process leaves much to be desired and much to be improved as compared with some of the European democracies.

Government subsidies to political parties plus an extensive, publicly-supported, political education program utilizing all forms of mass media, constitute the basic reforms suggested by Shannon. In the development of these improvements the material is relatively weak and at points contradictory. Nevertheless, this small book is useful additional reading for the undergraduate Political Parties course.—Arthur L. Peterson, *Wisconsin State College, Eau Claire.*

Richard H. Leach and Redding S. Sugg, Jr., *The Administration of Interstate Compacts.* (Louisiana State University Press, 1959. viii, 256 pages. $4.50.)

The authors have not exaggerated in their observation (Bibliographical Note, p. 232) that "the experience of interstate compact agencies at work, the subject of this study, has been almost entirely neglected." Their work goes far toward filling a real void. The book's cover jacket describes the authors' work as "the first to give a full and expert account of the actual operation of interstate compact agencies." Although presumably some details may be filled in by future authors on the subject, certainly this account is expert. The authors point out in the Preface that the book grew out of a "project begun when the authors were on the staff of the Southern Regional Education Board."

The subject is treated in six chapters dealing with the development of interstate compact agencies, the relations of such agencies with state and federal governments, the agencies' "powers and personnel," their "staffing and operations," six case studies "selected for relatively detailed consideration," and "conclusions and predictions" anent their work and utility. The six compact agencies considered in detail are the Pecos River Commission, Atlantic States Marine Fisheries Commission, Ohio River Valley Water Sanitation Commission, Waterfront Commission of New York Harbor, Interstate Oil Compact Commission and Southern Regional Education Board. The authors' note (p. 156) that the selections "represent the technical, operating, and study-recommendatory types and therefore range, administratively, from the narrowest to the broadest and most complex of the compact agencies."

The authors have produced a competent and scholarly work. This does not mean that all will concur in all their judgments: there is room for honest disagreement on some of these points. Some may count the statement (p. 218) that "the expectations of the framers of some compacts have been wholly unrealistic" inconsistent with the observation (p. 226) that "there are no necessary limitations on the nature of the assignments interstate compact agencies may be given, nor any arbitrary restrictions on the fields into which they may enter." Too, some judgments seem extreme, for example (p. 195): "no other means than the interstate compact is available to govern the interstate waterfront." But such points are minor. The book should prove highly helpful to students of the interstate compact.—Vincent V. Thursby, *Florida State University.*

The Victor and the Spoils: A Life of William L. Marcy. By Ivor Devenham Spencer. (Providence, R. I.: Brown University Press. 1959. Pp. xii, 438. $8.00.)

William L. Marcy, a conservative New York Democrat who held public office for forty-one of his seventy years, is properly remembered as an astute politician, but one who hardly deserves the reputation he earned from enunciating his famous epigram justifying Jacksonian patronage policy. Professor Spencer, head of the history department at Kalamazoo College, describes Marcy's career as comptroller, judge, governor, senator, secretary of war under

James K. Polk, and secretary of state under Franklin Pierce. Spencer's important contribution lies in his detailed account of the behind-the-scenes maneuvering in Pierce's Cabinet. Sympathetic to Marcy, the author places Pierce in particularly bad light, while lauding his subject as "a restraining influence on the hotheads" who gave support to William Walker's Nicaraguan filibuster and who were behind the "Ostend Manifesto." Based on exhaustive research from primary sources, this biography will be useful to students of mid-century politics and diplomacy.

Benjamin Harrison, Hoosier Statesman: From the Civil War to the White House, 1865–1888. By Harry J. Sievers. (New York: University Publishers Inc. 1959. Pp. xxi, 502, $6.00.)

In this second volume of a projected three-volume biography, Father Sievers tells the story of Harrison's career as lawyer, campaign orator, and United States senator. It is a well documented, but highly sympathetic—at times even sentimental—account of the colorless Hoosier Republican who "waved the bloody shirt," assiduously cultivated the soldier vote, helped break the railway strike of 1877, and invariably stayed on the conservative side of the political street. Though reluctant to accept offices which might interfere with his lucrative law practice, Harrison gradually became the dominant personality in the Indiana GOP organization. A close reading of the text fails to reveal a single item which might possibly justify the subtitle selected. Although Father Sievers has diligently read the manuscripts and faithfully recorded the material, he nevertheless fails to demonstrate a greater awareness of issues than did his narrowly partisan subject, a weakness which cannot be redeemed by a literate style and excellent index. The Arthur Jordan Foundation of Indianapolis has subsidized the undertaking with a "self-imposed rule of no censorship." Obviously, none was needed.

Herbert Hoover and the Great Depression. By Harris Gaylord Warren. (New York: Oxford University Press. 1959. Pp. 372. $7.00.)

Mr. Warren has contributed a readable, fast-moving account of Herbert Hoover's years in the White House which seeks to rescue his reputation while making full allowance for his errors. The central thesis is that Hoover did everything to alleviate the ills of the great depression which could have been done by an intelligent, industrious, well-intentioned individual who held his views on the proper role of government in economic life. Hoover was undone not because of personal defects (for he towered above other Republicans of his time), but rather because he was unable to overcome the ideological blinders which he shared with most of the nation. It is too often forgotten that the mass conversion to Keynesianism took place after Hoover's term, and that there were in his time no generally accepted techniques for staving off and fighting depressions other than the fiscal responsibility which Roosevelt urged in 1932.

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AMERICAN GOVERNMENT AND POLITICS

FRANKLIN L. BURDETTE
University of Maryland

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FOREIGN AND COMPARATIVE GOVERNMENT

The Profession of Government. By Brian Chapman. (New York: The Macmillan Company. 1959. Pp. 352. $6.50.)

La Fonction Publique aux États-Unis. By Gerard Conac. (Paris: Librairie Armand Colin. 1958. Pp. 260. 1100 francs.)

These books are the works of scholars attempting to describe and analyze public administration in countries other than their own. In this sense, both may be regarded as additions to the literature of comparative administration. Otherwise, they have little in common and are of different utility.

Dr. Chapman sums up a British political scientist's ten years of first-hand study of most of the continental bureaucracies. He is occasionally critical of the civil service of his own country. He calls his book a "contribution to the study of comparative government." Most of the comparison is achieved by putting together descriptions of the administrative practices most frequently followed in Western Europe, generously hedged about with country-by-country exceptions, under topical headings such as recruitment, training, tenure, discipline, promotion, control, etc. There is relatively little speculation as to *why* practices are similar or different among countries, and too little pointing out *what difference* it makes whether practice a, b, or c is followed. The intensely detailed description of the mode of administrative practices, with deviations from the mode duly noted and just as detailed, makes the book a rather tedious mine of facts not elsewhere assembled in one volume. One is also left with the feeling that the explanation and the assessment of variations—the viscera of comparative government—are slighted.

At another level, Dr. Chapman is more provocative, especially when he abandons description for prescription. For example, in discussing recruitment he almost elevates to natural-law status the Anglo-European system of four classes of civil service with each tied to a school-leaving age. In his discussion of politics and administration, he seems to feel that a greater proportion of political administrators is desirable as long as some criteria of merit are maintained. As opposed to the British situation, the function of parliamentary committees on the continent, Chapman finds, is much closer to that of legislative committees in the United States, requiring direct dealings with administrators at the level of political maneuvering. Dr. Chapman's portrayal of the group politics by which an ambitious administrator gets ahead seems calculated to raise protests. He underscores the importance of the proper education, social contacts, and religious affiliations for advancement. He states categorically that the man who does not exploit these to the utmost will not and deserves not to make the grade as a top-level administrator. Ambition and the ability to exploit the political realities of administrative life are to him essential proofs of administrative worthiness.

Chapman observes that the "drift toward the syndical state machine is one of the unnoticed oddities of the last fifty years." This statement is not entirely borne out by the works on public service syndicalism cited in the useful bibliography accompanying the book. It has been noticed. Dr. Chapman, however, helps to clarify the factors limiting, dividing, and checking the public service unions of Europe. Many of them are similar to the factors affecting public service associations in the United States.

M. Conac's study of the American public service is a very straightforward treatment, readable with a minimum of translation problems. It draws almost entirely upon a comprehensive reading of the accepted literature on American public administration. His approach is many-sided. An early chapter on the history of the American civil service is interesting but sketchy. He could have drawn more extensively upon the L. D. White volumes. Other chapters treat especially the constitutional and legal position of Federal civil servants. Most of the other chapters are concerned with crucial problems, familiar to all students of the subject, such as the establishment of careers, rights, and responsibilities.—J. LEIPER FREEMAN, *Vanderbilt University.*

Public Ownership and Accountability—The Canadian Experience. BY LLOYD D. MUSOLF. (Cambridge: Harvard University Press. 1959. Pp. xii, 174. $4.00.)

The introductory chapter of this little volume, titled *Pragmatism and Public Enterprise*, is an extremely informative discussion of the factors which have led to the expansion of government activities in Canada—a nation whose economy rests mainly on private enterprise. Without an ideological drive to sustain them, Canadian public corporations are proving to be of major importance in the continuing task of empire-building. Public enterprise in Canada, however, obtains more candid and dispassionate treatment than is customary in the United States. For this reason, Canadian experience in governmental corporate control is especially significant. The book helps also to meet the need for more information on institutions and processes of government to keep pace with an increasing world-wide awareness of Canada.

The study considers the techniques of corporate control and makes it possible to compare the bases of responsibility in the United States and under the parliamentary system operative in Canada. The study identifies as a key question the extent to which the realities of accountability interfere with the operational flexibility of corporations. It recognizes also the desirability of giving more systematic attention to all public corporations, not merely those currently in the public eye. We in the United States need, as do Canadians, to draw the "fine line between encouraging corporations to learn the discipline of a balance sheet and judging the success of corporations by their balance sheets." The Canadian government may have gone beyond the American in attempting to establish the discipline and, in the process, it may also have veered closer to a balance sheet mentality. The concept of "public purpose" still should be central in the affairs of the public corporation both in Canada and in the United States.

Finally, we can assume that the United States, as well as Canada, will find the government corporation a useful if not necessary instrumentality for some years to come. We must recognize, as does the study, that to arrive at a working balance between freedom and accountability is in truth an exercise of artful government. Dr. Musolf's study is specialized and localized, but to political scientists its implications are broad indeed. Time taken to read its 145 pages of text can be time well spent.—LAWRENCE L. DURISCH, *Tennessee Valley Authority.*

Latin America. BY J. FRED RIPPY. (Ann Arbor: The University of Michigan Press. 1958. Pp. xiii, 578, xx. $12.50.)

Political Change in Latin America. BY JOHN J. JOHNSON. (Stanford: Stanford University Press. 1958. Pp. x, 272. $5.00.)

The Bolivian National Revolution. BY ROBERT J. ALEXANDER. (New Brunswick: Rutgers University Press. 1958. Pp. x, 302. $7.50.)

The field of Latin American history, culture and politics has long been a wide-open one for American scholars. Although productive research in recent years has considerably increased our knowledge about this great region to the south of us, those of us interested in Latin American affairs are aware of the gaps in our information and of the need to explore new avenues. History needs to be re-examined, re-interpreted and given new insight. Professor Rippy's excellent new history of Latin America does this for us. He tells us in his preface that his objective was to produce something more than a mere handbook or reference work. In this he has succeeded. His account of the course of Latin American destiny is eminently readable and full of interpretative insights. Professor Rippy's ability to condense events and their importance and to trace their relationships succinctly is phenomenal. As histories go, this is not a long book, yet each of the parts of the panorama of Latin American development receives adequate treatment and falls neatly into place to form a nicely integrated whole. Geography, Iberian backgrounds and influences, social and economic life during the colonial period, the struggle for independence, the intellectual and political forces that have shaped Latin American evolution, all are presented skillfully by this long-time student of the area.

Professor Rippy divides his account into three periods: the colonial, from discovery to independence; the early national, from independence to 1900; and the recent period, from 1900 to mid-century.

The chapters on the literary masters and social critics point up the role these individuals have played in Latin America. "No countries attach more importance to their artists and intellectuals than do the republics of Latin America," says the author. "They are proud of the great figures in whom they think their culture has flowered. The place of the artist and intellectual in the esteem of the Latin Americans corresponds to the place occupied by the great inventor and successful business man in the value patterns of the United States."

In his concluding chapter, Professor Rippy looks at mid-century Latin America; at its value patterns, such as its attitudes toward manual labor; at the causes for retardation, such as the general raw material, rural economy pattern, and ends on a note of hope: "All things considered, it does not seem hazardous to predict that Latin America's future might turn out to be brighter than its past. As the inhabitants of the vast region entered the second half of the twentieth century, the major defects of Latin American civilization were inefficiency and lack of diversity in production, intolerance in politics and inadequate social mobility."

Another historian examines several Latin American countries for the purpose of demonstrating the effective political role of what he terms the "middle sectors." Let the author state his own thesis: "I hold that the urban middle groups are vitally, if not decisively, important in an area where one still commonly hears and reads that there is 'no middle class to speak of'—a statement that is both partially true and dangerously misleading. It is true in terms of number of republics in which the urban middle groups play a major political role. It is misleading in terms of the area, population, gross product and international importance of the republics in which these groups are a significant factor in politics.

"I emphasize social groups in a region where, in the view of traditional scholarship, individuals hold the center of the stage. The chief executives, the caudillos, and the colonels who shoot their way into the presidential chair are no longer the effective agents of all political change.

"Further, I propose that for over a quarter of a century, the social and economic problems, not the historical, political, and religious ones, have been the primary concern of all but the most reactionary of those belonging to the politically articulate elements."

Professor Johnson, after several important introductory chapters, tests his thesis in Uruguay, Chile, Argentina, Mexico and Brazil. He argues that while middle sectors are not a class per se, nor able to become "politically monolithic," they nevertheless have been an aggressive and politically cohesive force since 1920. This cohesiveness and continuity of common interests Professor Johnson ascribes to six characteristics: they are urban; they believe in public education and are themselves well educated; they have great faith in industralization; they are nationalistic and finally they call for state intervention in social and economic affairs.

The author examines the antecedents of these middle sectors in two chapters entitled "Revolution and Reaction (1810–1850)" and "The Politics of Progress (1850–1915)."

The bibliography is divided according to chapters and is a splendid one. Each of the more than 900 items is annotated.

His thesis may be controversial, but the author has done a real service in presenting it for consideration and for further testing.

Our attention is focused even more sharply and narrowly on a single country by Professor Alexander in his study of the Bolivian National Revolution. The book results from his research and travels in Bolivia on six different occasions. His close contact there with persons of political power and influence, as well as with Bolivians of all stations in life have convinced him that "the social revolution which has been going on in that country since 1952 is a genuine attempt to carry out changes in the nation's society and economy which are long overdue, and that it is an attempt to lay a solid foundation for the development of real political democracy." Professor Alexander tells the reader that his book is not an impartial one; that his main purpose is to examine the aims and objectives of the Bolivian National Revolution and the methods through which the leaders have sought to realize these objectives.

The roots of the 1952 revolution as he sees them were the abject and terrible poverty of the majority of Bolivian citizens, the division of Bolivia into white and Indian Bolivia, the unremitting struggle for land and the "lopsided and underdeveloped economy."

He epitomizes the influence of the disastrous and tragic Chaco War (1932–1936) between Bolivia and Paraguay in a single sentence: "The Chaco War made the Revolution of 1952 inevitable."

After dealing with the rise to power of the *Moviemiento Nacionalista Revolucionario* he proceeds to discuss, among other things, the agrarian reforms, the efforts to make the Indian an effective and full partner in the social and political structure, the nationalization of the tin mines and Bolivian efforts to achieve economic independence.

The role of organized labor and the obstructionism of the opposition forces are competently treated, as are the roles of the United States and the United Nations in the Revolution.

The accomplishments of the revolutionists since 1952 have only begun to transform Bolivia from a semi-feudal nation into a modern nation state, says Alexander. He lays great stress upon the need for a successful outcome of the Revolution. "If the M.N.R. regime fails in Bolivia, if it should be violently overthrown, the effect on Latin America and the whole Western Hemisphere would be catastrophic. Many politically alert Latin Americans would conclude that the Communists were right, that it is impossible to carry out a fundamental revolution in Latin America on an American pattern, and without the political, economic and moral support of the Soviet Union and its allies and puppets."—Leo B. Lott, *Ohio State University.*

The Executive Overseas. By John Fayerweather. (Syracuse: Syracuse University Press. 1959. Pp. xi, 195. $4.00.)

Although primarily addressed to United States management personnel in private business with prospects of foreign assignment, this study of "administrative attitudes and relationships in a foreign culture," which draws mainly upon the results of field work in Mexico, points in relevant conceptual directions for political scientists. For it demonstrates once again that the "culture and personality" concept is an indispensable analytical tool both for those pursuing the goal of scientific generalization and those searching for immediate aid in easing situations of administrative tension. Thus "the heart of this book," writes the author, "lies in the methodology it presents, a pattern of analysis of a country, its history, its people, their social life, and the effect of all these things on the administrative attitudes of working executives." Neither the disdain of traditional political philosophers, nor the indifference of governmental reformers, apparently, can abort the growth of a social science which assimilates the fruits of sociology and psychology.

Readers who have not led existences sheltered from contemporary intellectual currents may wince when Dr. John Fayerweather, Associate Professor of International Business at Columbia University, in a spirit of social discovery, solemnly assures them that the cultural factor contributes to making Mexican business executives different from their counterparts in the United States. They likewise may be disappointed that the mentor of businessmen is able to drop casual footnotes to *The Organization Man* and *The Sane Society* without absorbing the critical tautness of William H. Whyte or Erich Fromm. Familiar with the ambiguities and contradictions of personality theory in psychoanalytical literature, they may appraise skeptically the neat and simplified division of executives into two types, "the individualistic personality" and "the group-oriented personality." (United States executives, with their predilection for team values, Dr. Fayerweather reports, do not promptly recognize the distrust and hostility latent in the personalities of more individualistically-oriented foreign executives.) In the light of controversies prevalent among social scientists, they may shrink from the author's confident application of the model of "the authoritarian personality." Tuned in on complex methodological networks, they may easily disparage the crudity of research conducted by means of unstructured interviews with a small sample of United States and Mexican executives. ("In the first phase the home offices and Mexican units of twenty-two United States companies were visited and forty-five United States and six Mexican executives were interviewed. Each man was visited only once, the interviews ranging from a few minutes to two hours but usually about an hour." During the second phase, "six United States and ten Mexican executives were observed and interviewed intensively over a four-month period.") And they may smile indulgently at the primer-like quality of the descriptions of the dilemmas encountered by executives with fictitious names.

But then they may speculate whether or not students of political science preparing for administrative careers achieve even the level of moderate sophistication which characterizes *The Executive Overseas*. . . . And their smiles will go wry. . . . And they will join with Dr. Fayerweather to acknowledge appreciatively the interest of Dean Harlan Cleveland of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University "in bringing the book to press."—MERLE KLING, *Washington University (St. Louis)*.

Honourable Members: A Study of the British Backbencher. BY PETER G. RICHARDS. (London: Faber and Faber. 1959. Pp. 285. 30s.)

The unhappy role of the backbencher is a common theme of books about the House of Commons, but the backbencher is typically as neglected in the literature as he is alleged to be in the House. Mr. Richards seeks to correct this situation by focussing his study upon the Honourable Members rather than upon the Right Honourable Members. His chapters on the selection and election of candidates rely heavily, but not exclusively, upon the studies of D. E. Butler, J. F. S. Ross, and others. A concise and interesting chapter on the qualifications of members, drawn from official reports, summarizes the situation in recent years. Later chapters, well-documented from parliamentary papers describe the arrangements in the House for the convenience (or perhaps one should say the inconvenience) of Members; the role of Members in legislation and the oversight of policy; party discipline in the House; revolts by individuals and groups against party discipline; Member's relations with the constituents; and other matters.

The book contains a wealth of very specific descriptive information, but the author is cautious about generalizing interpretation. He concludes that, although "the generality of Members do not possess power," "the record shows that parliamentary criticism has a significant cautionary effect on the behavior of officials, and that Ministers pay much attention to the views of their supporters in the House. . . . Backbench opinion can be decisive not only on matters of legislative detail, but also in times of grave crisis"—as in 1940 and in 1956 (pp. 260, 257).

When spelled out in detail, the contrast between the services furnished members of Parliament and members of Congress is indeed striking. Considering the meager salary, the minute pension, the lack of a general franking privilege, the lack of an office staff, and for most members the lack of an office, one must conclude that the House of Commons still remains in theory, if no longer in fact, a club of gentlemen with the means to provide their own working headquarters and office assistance. Some of the primitive working conditions Mr. Richards would willingly change. His attachment to tradition, however, leads him to prefer that the House should not become a body "wholly—or evenly largely—composed of full-time politicians."

Central Administration in Britain. BY W. J. M. MACKENZIE AND J. W. GROVE. (London, New York, Toronto: Longmans, Green and Co. 1958. Pp. xvi, 487. $6.00.)

Over several decades various aspects of the organization and functioning of national administration in Great Britain have been examined by royal commissions and official committees, analyzed by students of government, and described by leading public servants. From this voluminous store of minutes of evidence, reports, monographs, and memoirs, two members of the political science faculty of the University of Manchester, Professor W. J. M. Mackenzie and Mr. J. W. Grove, have written a very useful book, *Central Administration in Britain*. No other work provides such a complete survey of the administrative machinery of British government.

The book is arranged in four parts. Part I is an excellent account of the Civil Service. Part II, the Organization of Departments, presents the common patterns and procedures of departmental administration and describes the structure of several representative ministeries. Part III, Central Control of Administration, has chapters on Common Services, Accounting and Financial Control, and the Administrative Functions of the Cabinet. Part IV, The Place of Central Administration, discusses the relations of the ministries with Parliament, the courts, the local authorities, independent public bodies, and the public as individuals and as interest groups.

Noting that "central administration" is not a precise term and that around the fringes of the governmental core there are some rather indeterminate bodies, the authors define as their subject the central departments staffed by civil servants. It is a large order "to explain the work" of these departments and the organs subordinate to them, and the task necessarily requires a good deal of generalization. Nevertheless, Mackenzie and Grove find space for the treatment in adequate detail of the important features of structure and procedure. There is, for example, a clear description of "the handling of public money," including the responsibilities of the several departments concerned. The financial cycle is traced through from the preparation of estimates to the submission of reports by the Comptroller and Auditor-General. Where appropriate the authors have included sufficient historial background to explain present-day organization and practice. They infuse the work, moreover, with the sense of Whitehall life by their expositions of the "private secretary network," what happens in a ministry when an M.P. asks a question in the House, and how a registry ("at once a telephone exchange for paper and a Departmental memory") operates.

Since their objective is description and explanation, the authors offer little critical comment, but they point out the major issues that have arisen about such matters as the number of departments, staff problems, administrative coordination and methods of supervision and control. They present the varying views held on these issues and add some sensible observations of their own.

The book is written in a clear and straightforward style. There are well selected references at the end of each chapter, and a good general bibliography is appended. In sum, *Central Administration in Britain* is a model of systematic exposition and provides a valuable reference work for all students of British government.—H. M. STOUT, *Washington, D. C.*

The English Health Service. BY HARRY ECKSTEIN. (Cambridge, Mass.: Harvard University Press. 1958. Pp. xxi, 289. $5.50.)

No aspect of postwar British affairs has occasioned more questions, if one may judge by classroom reactions, that the National Health Service. Many of these questions, of special interest to political scientists, are answered by Harry Eckstein in *The English Health Service.* The book is broadly conceived, well-informed and intelligently written. Compact and of modest length, it represents a commendable distillation of what appears to have been extensive and thorough research. The scholarship is evident but not obtrusive.

Wisely, it seems to me, Eckstein does not try to provide a comprehensive account of the Service's administrative structure. Only one of his nine chapters deals, and in summary form, with this material, readily available elsewhere. Well over half of the volume describes the pre-1946 medical services and the agitation for their reform. The remaining pages are concerned with an analysis of the Service's achievements and shortcomings, and with some general observations on the problems of planning any large-scale government enterprise.

Illustrative of the author's well-balanced and sophisticated approach is his discussion of the British Medical Association's role both before and after the Service's establishment. This includes a careful exposition of the group's internal structure. The Association is treated neither as the enemy nor as the prime guardian of righteousness, but simply as a group seeking to secure what its leaders, at least, conceived to be the medical arrangements most compatible with the interests of practitioners. Eckstein does not imply that such arrangements were necessarily to the disadvantage of patients. The doctors' stands against salaried status and lay control are fairly described. Incidentally, their opposition succeeded on both counts, and, as Eckstein points out, so completely on the second point that the Health Service is the only British nationalization scheme to have become essentially syndicalist in administration.

Eckstein emphasizes several general themes. Among these is the view that, despite an admittedly socialist formula of free medical care, the Health Service should not be understood to have resulted primarily from socialist, or even Labour party, purposes. Support for drastic reform of Britain's prewar medical service was much broader, politically and medically. Indeed Eckstein describes the prewar anomalies in hospital administration and health insurance as so deplorable that it is entirely understandable that the British public generally, including the doctors, believed that wholesale reorganization was in order. In this perspective, Eckstein argues that the Health Service Act was "intended to correct certain desperately serious faults in the organization and quality of the British medical services rather than in their class distribution." Anyway he believes that, insofar as the measure was distributive, it benefits the middle class more than the working class.

Viewing the Health Service essentially as an attempt to rationalize a previously inefficient system of medical care, Eckstein regards many of the usual criteria of performance as relatively unimportant. Thus, since the Service was meant only incidentally to pay the doctor bills, the fact that it does so competely and successfully (without destroying the "doctor-patient relationship") ranks as only a minor accomplishment. Even the marked progress in securing a more nearly even distribution of practitioners, as between over-doctored and under-doctored areas, is not considered a major step in the achievement of the original high hopes for the Service. To meet those hopes, meaning greatly enlarged medical facilities, would have required much more money, as well as more imaginative administration, than was in fact provided by post-war British governments. The failure to devote more resources to the Health Service really constitutes Eckstein's principal criticism. No new hospitals were built during the Service's first seven years (to 1955), and very few beds were added to the old hospitals. The proposed Health Centres, intended originally to be of key importance in providing a variety of medical attention in each community, were abandoned—not just for economy reasons, Eckstein suspects. Generally the Health Service's budget has been held down so that as total national income has risen a smaller proportion of it has gone to the Service. Calculated either in terms of consumption expenditures or of personal incomes, Britain spends a smaller proportion on medical care than does the United States.

Economy-mindedness along with certain other qualities of governmental administration, chiefly the difficulty of making non-routine decisions, lead Eckstein to raise, in an epilogue, a number of broad questions about the efficacy of large-scale centralized planning. His answers are moderate and unexceptional, lying between the extreme pessimism of laissez-faire advocates and the perfectionist optimism of the true believers in planning, but they put the Health Service findings in an interestingly wide context.—LEON D. EPSTEIN, *The University of Wisconsin.*

Colour in Britain. BY JAMES WICKENDEN. (New York: Oxford University Press. 1958. Pp. 45. $.40.)

This pamphlet, issued by the Institute of Race Relations, was written a bare month after the much-publicized racial disturbances in England during the summer of 1958. It is more an interim report than a fully developed diagnosis of the problem of race in the English setting. It is organized into two fairly distinct sections: (1) background description of the nature and extent of colored immigration into Britain, along with a depiction of the main causes of friction, and (2) case histories of incidents in Nottingham and London. The picture that emerges is one familiar to students of acculturation in that a highly complex pattern of forces are seen to operate simultaneously, but with different effects depending upon local conditions. The study stresses the importance of employment opportunities, the problem of housing the new arrivals, and the role of aggressive minorities in both the white and colored populations, especially the "teddy boys" in the Notting Hill area. Organized fascist or racist groups are written off as insignificant. At the time of writing, no pertinent attitude studies were available to give an additional dimension to the analysis. Nor does the author venture any significant policy recommendations. As a succinct and balanced introduction to the problem the pamphlet succeeds, even though much of its reporting has been outdistanced by events.

British Universities and the State. BY ROBERT O. BERDAHL. (Berkeley and Los Angeles: University of California Press. 1959. Pp. viii, 229. $4.00.)

The question of state support for and state control over higher education is one that troubles both Britain and America, and is likely to cause increasing concern in this country in the coming decades. Mr. Berdahl's volume constitutes a very sound analysis of the problem as it appears in Britain and of the British solution to it, largely through the University Grants Committee. The book is well researched, thorough, scholarly, and sometimes rather pedestrian; but it is skillful in its analysis and will be of considerable use to students of both British politics and comparative education.

Representative Government in Ireland: A Study of Dail Eireann, 1919–48. BY J. L. MCCRACKEN. (New York: Oxford University Press. 1958. Pp. viii, 229. $4.80.)

The creation and growth of the legislative branch of the independent Irish government constitutes the carefully circumscribed subject of Mr. J. L. McCracken's study. In addition to being a professor of history at Magee University College in Northern Ireland, he had another advantage in that he prepared his book on *Representative Government in Ireland, 1919–1948* while serving as a visiting lecturer at Trinity College in Dublin, almost in sight of his "laboratory."

As prelude to the unicameral republican Dail or assembly of 1919, he summarizes factually the oft-told tale of twentieth-century Irish nationalism: Sinn Fein, the Easter rebellion, guerrilla warfare. To be given a look at this period that is not through the rose-colored glasses of revolutionary involvement is rare in the literature of Irish public affairs. Mr. McCracken relies on meticulous professional discipline instead of the more lively but less trustworthy commitment of the personal participant.

In his objective approach, the emergence of the constitutional bicameral legislature (Oireachtas) after the Anglo-Irish Treaty of 1921 appears logical and orderly. His subsequent concentration upon the lower house is, perhaps, forecast by the emphasis in his title upon the word Representative. In the upper house (Seanad), a real problem persists to this day as to whom or what to represent. The effect upon the senatorial membership has been attenuating.

Not only is the scope of Mr. McCracken's work confined to the legislative branch but to its organic rather than to its functional aspects. Little space is given to the theory of the constitutional empowerment, to the measures actually debated over the years of its existence, to the impact of statutory decisions upon internal and external developments. After spelling out the competence of the Dail, the author describes the electoral system in detail. In the treatment of the major and minor political parties, the task is made harder by the self-imposed restrictions on discussion of the political issues that have prevailed. This closely written, tightly designed analysis concludes by considering the Dail's inter-working with the Seanad and with the executive branch.

The abundance of procedural detail presented minimizes the amount of evaluation and speculation. In one matter at least, proportional representation, the cautious nature of the commentary has already proved its soundness. "Unless the electoral system is changed," we read, "and a change has been advocated at various times, it seems reasonable to expect a recurrence of the group form of government usually associated with proportional representation." Developments since publication have provided the proof. The move led by the now President of Ireland, Eamon de Valera, to abolish PR because of the likelihood of coalition cabinets and inter-party majorities did not succeed when put to a popular referendum in June, 1959.

The analytical restraint which characterizes this book leaves the reader to draw his own conclusions from the data presented. Elaborately tabulated statistics as to the age, occupation, education and religion of the elected representatives, for instance, have to speak for themselves largely. Similarly, the series of maps showing the geographical distribution of parties must be interpreted in the light of some understanding of the economic and social substructure of the Irish state.

The laboratory dissection to which Ireland's representative body has here been subjected is not concerned with the dynamics of personal leadership or of ideologies. Subordinated also are the economic factors that, together with international crises, keep Ireland on the sidelines in world affairs. Mr. McCracken's method is merely to suggest the cause and effect relationships between historical forces and day-to-day results. Legislative operation in the short-range view is immensely clarified. Long-range problems—for example, the lack of fundamental distinction between the two largest parties, Fianna Fail and Fine Gale—remain as much problems as ever for the reader.—Mary C. Bromage, *Ann Arbor.*

The Development of the Soviet Budgetary System. By R. W. Davies. (New York: Cambridge University Press. 1958. Pp. xxi, 373. $8.50.)

The Bolshevik seizure of power in 1917 released a Pandora's Box of revolutionary ideologies of all kinds. Along with free love and the withering away of the State, the abolition of money ranked high among the reforms anticipated from the revolution. But Family, State and Ruble have survived the hostility of the premature revolutionaries and are as firmly ensconced in Soviet society as in the most capitalistic of nations.

Given the need for the continued use of money, how should the money system be managed in order to promote most effectively the objectives of the government? Dr. Davies' book is a detailed account of one major aspect of money management, the budgetary system. The argument is developed historically; for each period of prewar Soviet history the author relates the budget developments to the political and economic problems faced by the government at that time. The three historical periods treated are the Revolution and Civil War (1917–1920), the New Economic Policy (to 1929), and the Planned Economy (to 1941).

The political scientist would probably find the early period particularly interesting because economic problems were complicated by the existence of power conflicts. The main dilemma of the government was that it wished, for political reasons, to raise its revenue as much as possible from the property-owning and wealthier groups. But these were precisely the groups that were being driven out of existence by the political, economic and financial policies of the government. Taxation of the working class was politically unpalatable, and taxation of the poorer and middle-class peasants threatened the *smytchka*—the alliance of workers and peasants which formed the power base on which the regime rested. Political problems were compounded by administrative. The enforced movement toward a virtual moneyless economy during the period of War Communism led to the complete dispersal of the tax apparatus. When the time came for a return to a money economy under the New Economic Policy, it took almost two years to rebuild the staff. To add insult to jeopardy, in 1922 only 18 out of 5000 tax officers were members of the Communist Party, a familiar problem for a revolutionary regime.

With the collectivization of agriculture and the end of private enterprise in 1929, the relationship of the budget to political-economic problems underwent a change. The government now enjoyed almost total control over the nation's economy. It was no longer necessary to rely on the budget to achieve the desired allocation of resources, for under the Five Year Plans the resources could be allocated by direct order of the government. The Plan set the direction of the nation's economic effort and the problem of budgetary planning was to facilitate the execution of the Plan objectives.

In analyzing the decisions made at crucial periods in the development of the budget system, the author does not attempt to test them against theories of government budgeting. The reader will find no "benefit-cost" principles here; it is not that kind of book. As an historical treatise, the issues of each period are discussed in the categories of that period, usually as defined by the Soviet protagonists. For example, in the treatment of investment financing the author describes two methods: in method one industrial prices are set sufficiently high that the total profit earned in each branch equals the total cost of the planned investment; in method two, industrial prices are set equal to costs but a tax is levied at the wholesale level, and investment is financed through budget grants. Having thus established his categories, the author proceeds to discuss the economic implications of each method, and to identify actual Soviet practice as a combination of both, with a strong bias towards the second method. With this analytical approach, the author systematically takes the reader through a carefully reasoned evaluation of the major decisions of budget policy.

The book is prolifically footnoted and leaves no doubt that the author had thoroughly immersed himself in the Soviet sources. He could, however, had made more profitable use of various non-Soviet sources, for while this is the first full-length study of the Soviet budget, Soviet finance has not been entirely neglected by non-Soviet scholars (the most glaring oversight is Holzman's article (*American Economic Review*, September 1953) on the burden of Soviet taxation).

Dr. Davies, however, is more sinned against than sinning; by his publisher for bringing the book out (1958) three years after the author's preface was written (1955); and by Mr. Khrushchev for having introduced so many radical changes in Soviet economic organization in the meanwhile. The study suffers very little from these misfortunes, however, for it deals primarily with the prewar period and as such makes an important contribution to our knowledge of Soviet economic history.—JOSEPH S. BERLINER, *Department of Economics, Syracuse University.*

The Soviet Bureaucratic Elite: A Case Study of the Ukrainian Apparatus. BY JOHN A. ARMSTRONG. (New York: Frederick A. Praeger. 1959. Pp. 174. $6.00.)

The modest size of this volume is in no way indicative of the vast amount of painstaking research upon which it is based. Professor Armstrong's purpose has been to investigate the mobility of the administrative cadres of the Communist Party of Ukraine and the techniques of control employed since the great purges of 1936–1938. To this end he carefully surveyed the Soviet press covering the better part of two decades and established a biographical file of Party officials containing approximately 2400 entries.

The author's principal concern has been with the careers of Party officials on the Ukrainian *oblast* or province level and in the Central Committee apparatus. Data on the thousands of *raion* or district Party officials of this period are not readily available and the career patterns of Party bureaucrats at this lower level could not be included, although this does not really detract from the study.

In charting the hurdles and pitfalls encountered in advancement in the Party's Ukrainian Central Committee the author has calculated that since 1938 (when 84 of the 86 members were new) the membership of that body has been eliminated at the approximate rate of 20 per cent per annum. He has also calculated that the average tenure of an *oblast* Party committee first secretary in a particular province is about three years. The same period applies to the *oblast* secretary in charge of propaganda, although the periods of tenure of these two types of officials do not coincide and they are usually transferred to different provinces. Professor Armstrong has also detected a number of instances of friction existing between line officials of the Party and propaganda officials.

While the *oblast* committee first secretary is usually a generalist, though often enough one with training in engineering or economic management, the officials in charge of indoctrination and propaganda are specialists who usually remain in that area of activity. Though frequently compelled to concern themselves with economic matters the *oblast* first secretaries are trained in special Party schools.

Among the most interesting chapters is that which deals with the Ukrainian Central Committee's Higher Party School and the various *oblast* Party schools. The former is on a level with the Moscow Higher Party School and provides a four-year course of in-service training for established Party officials. It is this relatively rounded training program which is designed to produce generalists who are also ideologically indoctrinated. Since the Party is a publisher of newspapers, books and magazines appropriate attention is given to the role of journalism instruction in Party schools.

A separate chapter is devoted to the expansion of the Ukrainian Party apparatus to Western Ukraine and Transcarpathia during and after World War II. Professor Armstrong has uncovered unpublished Soviet data regarding the degree of influx of Russian and East Ukrainian cadres into these recently annexed regions and the slowness with which local cadres were developed. Another chapter is devoted to the crisis of the war from which the Ukrainian Party's leadership emerged relatively intact. The difficulties involved in establishing underground Party units for operations in the German-occupied Ukraine during 1941 and 1942 are given attention.

A concluding chapter relates developments in the Ukrainian Party to Kruschchev's rise to power and emphasizes the regularity with which Congresses and Central Committee plenary sessions were held prior to 1953 (in contrast to their absence in Moscow). Professor Armstrong also foresees significant changes in Party personnel during the mid-1960's as the survivors of 1938 reach the end of their road.

This volume is unique not only because of its subject but also because the author has employed data obtained from nineteen unpublished Soviet dissertations for the candidate's degree deposited in Moscow's Lenin Library. The reader can best judge for himself the worth of these works, but it can be said that they do provide some new data and some interesting admissions.

Although this reviewer cannot agree with Professor Armstrong's assertion that lists of delegates to Ukrainian Party Congresses are not available (page 14), he is impressed by the cautious manner in which the volume is written. The Communist Party of the Soviet Union and its subordinate regional bodies have long required more systematic and intensive investigation. Professor Armstrong has made a significant contribution to this end.—John S. Reshetar, Jr., *University of Washington.*

Pattern for Soviet Youth: A Study of the Congresses of the Komsomol, 1918–1954. By Ralph Talcott Fisher, Jr. (New York: Columbia University Press. 1959. Pp. xiv, 452. $6.75.)

In the house of Soviet studies we have been building these last fifteen years, the absence of any standard work on the youth has presented an embarrassing gap. Professor Fisher has provided us with a substantial contribution which will go some way toward remedying this condition. He has painstakingly combed the verbatim stenographic records of the twelve congresses of the Soviet All-Union Leninist Communist League of Youth held from October 1918 to March 1954, producing one page of notes for every three pages of text. For each congress he has carefully set forth the main facts—a description of the basic problem facing the congress, membership figures, changes in administration, educational policy, and so on. Occasionally his attention seemed to wander, and he allowed some exceptionally trivial item which has no past, no future and no significance to slip from its appropriate resting place in his notes into the text instead. For example he takes a paragraph on page 264 to report that at the twelfth Congress a new note was struck in the call to encourage teachers to organize choruses in schools, factories and farms. But on the whole the information presented is important, if not interesting, and this book will therefore be a useful reference as a compendium of facts and figures and snatches of history on the Komsomol.

Not much more than this can be said for the book. It is stolid, rather than solid. Reading it requires real effort. It is generally tedious and often as dull as a timetable. In part this stems from the rigid approach to sources. Probably because he was originally working on a doctoral dissertation, Professor Fisher restricted himself more or less exclusively to the stenographic congress reports. The most obvious limitation of this procedure arises from the fact that during some of the most important years of Soviet development—e.g. the five years from 1931–36, the thirteen years between 1936 and 1949, and the next five years of postwar development—there were no congresses of the Komsomol. Mr. Fisher does almost nothing to eliminate these lacunae by reference to other sources such as the daily and journal press. But more damaging is the fact that a large number of the most vital issues concerning youth were never or hardly ever discussed at the congresses. There is almost no mention of sex or the family, nothing about opportunities for occupational and social mobility, very little on the unique problems of working youth or those involved in the move from countryside to city. Mr. Fisher once or twice recognizes this, as when he himself exclaims (p. 166) "Dimly indeed do the Komsomol Congresses reflect some facts of Soviet reality!" But unfortunately his awareness of this did not move Mr. Fisher to broaden the base of his study. The result is that the title of his book is decidedly misleading, and only the sub-title at all reflects its content.

These defects might have been compensated had Dr. Fisher adopted a less descriptive and more analytic approach to his material. He seems to have no theory whatsoever, and offers almost no generalizations from these 40 years of political experience, except perhaps in recognizing that the leaders of the Communist Party had an "obsession" in their need to control. But Mr. Fisher almost never steps back from his material far enough to gain that broader perspective which might have led to discussion of the general problems of incorporating youth sections in political parties, of integrating youth politics in the larger political order, and of socializing the adolescents for their roles in modern society. The result is a book which is full of information without being truly informative.—Alex Inkeles, *Russian Research Center, Harvard University*.

Gewerkschaften in der Politik. By Wolfgang Hirsch-Weber. (Westdeutscher Verlag Köln, 1959. Pp. xv, 170. DM 18.50.)

With its thirteenth volume the indefatigable Institute for Political Science at the Berlin University, main center of empirical studies into Germany's past and present political structure, has entered both important and difficult territory. Its author, previously known for his imaginative work in analyzing the Federal Republic's 1953 election results, undertakes an inquiry into the relations between trade unions and political authority. Were the trade unions just an interest group, the task would still be of considerable magnitude. But, German unions, as Hirsch-Weber points out correctly, are both an interest group and a broader social movement which has not only developed parallel to, but in close community with, specific political organizations. Therefore, the first chapters necessarily had to give a rapid sketch of the intermeshing strategy of the Social Democratic Party and the so-called "free" trade unions in the decades before and leading up to 1933; in this context the problem of the general strike as the testing ground for union-government relations is given close examination, thus establishing the pattern for the main thread of the inquiry. The story continues with the recital of the melancholic postwar experience of a now unified union movement. Starvation and the need for a respectable front made the union the dominant moral force in the German society of the late forties, while the twin forces of economic upsurge and political restoration relegated it to the position of one of several contenders for social power in the fifties. The author clearly shows how the various stages of the two battles for codetermination in 1951 and 1952, which he analyzes in detail in the second part of the book, are related to this changing domestic climate. All the moves and countermoves of the various participants in the battles, union leaders, industrial spokesmen, political officials and the Chancellor himself, are elaborated in detail. And, more important still, the author closely scrutinizes motivations and probes into how far they are related to various layers of public opinion. With his attention constantly focusing on the use, utility and justifiability of strike threats H. W. tries hard to find some general norm for judging the permissibility of politically motivated strikes in a democratic society. In doing so he attempts to differentiate between the legitimacy of moral pressure tactics (strike votes, etc.) made to conserve the union's already acquired codetermination status in the coal and steel industry and its indefensible and clumsy tactics (including isolated strikes) vainly trying to force the hand of the Bundestag to grant an equally favorable settlement for the remaining industries. This constitutes perhaps the most problematic part of the book, as it sins against a cardinal rule otherwise so well observed by the author: to isolate one factor, if concededly an important one, which can only be judged against the background of the total record of all participants. But it is less the problematic answer which counts than the highly interesting search for action and above all motivation patterns during the few passionate dramas of the social history of the present regime. It is one of the ironies of German postwar history that whatever real or imaginary damage the trade union's ambiguous attitude towards the strike as a means for broader social change has wrought, has long been dwarfed by the fact that the very institutions they tried to safeguard and extend have lost their meaning and have become strange relics—islands the author calls them—in the landscape of resurging capitalism.—OTTO KIRCHHEIMER, *New School for Social Research.*

Die Gleichheit vor dem Gesetz. BY GERHARD LEIBHOLZ. (München und Berlin: C. H. Beck. 1959. Pp. xi, 265. DM 81.50.)

This book comes crowned with the laurel of an historic victory. It was first published in 1925, when it carried the banner of what was then a new doctrine in Germany regarding the true meaning of the constitutional provision that "all Germans are equal under the law." The book led an attack on the prevailing positivist school of thought which held that the provision in question obligated only the judge and administrator in applying whatever law it may have pleased the legislator to enact. The new doctrine—represented prominently by Leibholz—taught that the obligation to respect the principle of equality was also incumbent on the legislator in making the laws, and that laws violating the principle of equality could be invalidated by the courts. Leibholz's book helped to start a debate among German constitutional jurists, as a result of which the view he advocated came to be accepted, first by the universities, then by the courts, and eventually by the Bonn constitution.

Now, the original book is re-published, with the addition of a number of articles the author wrote on the same subject in the course of the years, the latest of which dates from 1951. Republication implies, of course, that author and publisher must attribute to this book not merely historical interest but continuing significance. Should we agree with them? To be sure, the book deals with more than a problem of the Weimar constitution. In seeking to establish legislative obligation to abide by the principle of equality, Leibholz treats above all of the foundation and the substance of that principle. In other words, his problem is that of the "law above the law," and thus a problem of political theory.

In defining the principle of equality, Leibholz follows closely the Aristotelian formula that equal things should be treated equally, and unequal things differentially. The principle of equality has therefore no positive content. Its character is essentially negative: it absolutely prohibits arbitrariness in the exercise of authority. Throughout his original book Leibholz emphatically rejects any connection between the principle of equality and natural law. As for the substance of the principle of equality, he refers the reader to conventional opinion. Arbitrariness is what reasonable people consider an irrelevant motivation in making or handling a particular law. "Reasonable people," "irrelevant motivation," "arbitrariness" are admittedly symbols of opinions that change with time and place. No attempt is made to relate the principle to anything more significant than opinion.

As an attempt to secure scientifically an obligation flowing from a higher norm, this obviously does not carry very far. Leibholz himself must have felt this, for in the one post-war addition to his original book, he concedes that the principle of equality, if it is to amount to anything, must contain some substance of timeless validity and thus, "if you will, elements of natural law." But he fails to acknowledge that this poses a problem quite different from the one with which he dealt in his book, and he also fails to resolve the discrepancy between his original rejection and eventual acceptance of a transcending basis of the equality norm. One therefore looks in vain in this book for a contribution to political theory beyond the part it played in swinging German constitutional thinking to a position long held in the practice of the United States, Switzerland, and other democratic countries.—GERHART NIEMEYER, *University of Notre Dame.*

Das dritte Reich, Grundlagen und politische Entwicklung. BY HANS BUCHHEIM. (München: Kösel-Verlag. 1958. Pp. 94. DM 4.80.)

Although H. Mau and H. Krausnick's *Deutsche Geschichte der jungsten Zeit* remains the most comprehensive short work in German on the period from 1933 to 1945, the present book enjoys an advantage in that it can also be treated as a document since it was first published by the West German Federal Ministry of Defense in its series entitled *Schicksalsfragen der Gegenwart.* This series serves as a basis for the civic instruction of members of the armed forces. It is now republished in a soft cover edition for general use.

The book is short but avoids serious oversimplification. It moves easily between internal and external political and economic developments while at the same time supplying the psychological and ideological background which is indispensable for an understanding of the period. The pedagogical character of the book is explicit ("Wir müssen lernen, in der Nation nicht mehr den absoluten politischen Weisheit letzten Schluss zu halten." p. 60) but not overbearing. The author, a member of the Institute for Contemporary History in Munich, attempts no apology; he depends, rather, on a straightforward narrative to illustrate the political framework in which Hitler and the National Socialists were able to make effective use of the economic situation and the Versailles obligations.

There is, unfortunately, no table of contents or index to guide the reader although clarity of style and context make up in part for these deficiencies. A time-table and a short bibliography are appended. This book would be a valuable supplementary reading source in American courses on German government and history for students with a fair knowledge of the German language.—D.R.R.

The German Resistance: Carl Goerdeler's Struggle Against Tyranny. BY GERHARD RITTER. Translated by R. T. Clark. (New York: Frederick A. Praeger. 1958. Pp. 330. $7.50.)

Ritter's book is the most trustworthy large-scale German work on the activities and attitudes which have come to be called "the German Resistance movement." The reason lies less in any explicit "evaluation" on Ritter's part than in the fact that this historical account helps clarify the limitations of earlier German evaluations.

These evaluations have come to *combine* three assertions: (1) there was widespread oppositional sentiment in Nazi Germany; (2) this sentiment reached fruition in the organized efforts of the civilian-military conspiracy between 1938 and 1944; (3) the ideas of the resisters showed great moral and political insight. Why then did the Nazi regime continue to exist? It did so less because of deficiency in extent, motive, or performance of resistance than because of various "external" circumstances—for example, the Allied attitude and the brutal efficiency of the regime. Resistance was extensive and substantial. Its solidity derived from its moral inspiration and political insight.

The influence of this picture has been strengthened by biographical anthologies which depict the moral and intellectual stature of individual anti-Nazis. These anthologies do not depict a practical movement to overthrow the regime, but they seem to present "aspects" or "parts" of "the" German Resistance movement.

Any history which attends to the course of events dissolves this picture, for it unavoidably reveals that the moral concern of the conspirators was not integrated with prerequisites within the movement itself to successful overthrow of the regime. The connection before 1938 had been even more tenuous. The question of the resisters' preparation for overthrow is not identical with the question of their moral motivation and perception of the modern political crisis.

Ritter is not an adequate guide to an understanding of the dimensions of the latter question, though his views avoid the twin extremes which depict the dominant mood as crypto-Nazi opportunism or as a masterful approach to solution of the modern crisis. He does not dwell on the significance of the fact that the anti-Weimar Resistance movement had issued in the Nazi regime, not in some kind of "rejuvenation" of the West. This fact had undermined confidence in political action. The anti-Nazi resisters themselves were in the best position to be aware of this undermining, especially since many had participated in the anti-Weimar movement. Their doubt concerning what a "political" action could accomplish was, in fact, the decisive root of their unpreparedness for a removal of the regime "then and there." But Ritter's narrative permits—and, in the reviewer's opinion, even subtly demands—recognition of the limited extent of anti-Nazi resistance and of the precariousness of the 1938–1944 plans. The author does not exort us to believe that sole responsibility for failure be ascribed to Allied disinterest, chance, and the blindness of the "non-Nazi" military. We are made aware of the impact of the international situation on the fate of the conspiracy, but we are not asked to conclude that the best way to study the German Resistance is to castigate Allied foreign policy.

Why does Ritter present his history by means of a political biography of Goerdeler? Like other German writers, he seeks to determine what individuals "deserve" to be called members of "the Resistance movement." This strange undertaking, which casts doubt on the factual existence of "the" movement, concludes that "moral indignation" was the essence of the "genuine" movement. Goerdeler (the central figure of the conspiracy) is said to best exemplify this essence. Another knowledgeable survivor has criticized Ritter's book, not because this moral emphasis distorts the actual history, but because it too accurately reflects the dominant mood which "lamed the Resistance." Ritter sees "only a religious moral movement, not a political movement." He thereby perpetuates a way of thought "which was uncommonly obstructive to resistance as an eminently political undertaking." (Franz Boehm in *Der Monat*, 1955, pp. 227–28.)

The book commences with a description of Goerdeler's career before his resignation as Mayor of Leipzig in 1937. Since the description is considerably abridged in this translation (as is the whole work), it does not offer even a relatively complete review of Goerdeler's typical early hopes that the Nazis could be "directed" to desirable ends. Summarizing chapters dealing with opposition by members of the "political Left," the Churches, the Middle Class, and the Army then precede the narration of conspiratorial efforts. The narration reveals the erratic planning and culminates in a description of Goerdeler's opposition to the assassination attempt of July 20, 1944.

The most serious defect of Ritter's book as a treatment of the 1938–1944 period is its sketchy and deprecating estimate of the Kreisau, or, more generally, "young" group. Goerdeler spoke, at least of the activists among those in some connection with the Kreisau discussion circle, as "young men without experience," and rejected their "socialistic" visions. Ritter follows Goerdeler's lead. To point out this defect of the book (as various German commentators have done) is not, of course, to demonstrate that the "revolutionary conservatism" of the "youngsters" prepared them for a successful political action either. Such a demonstration has not and cannot be made.—GEORGE K. ROMOSER, *The Ohio State University.*

Nyordning og Motstand (The New Order and Resistance). BY THOMAS CHR. WYLLER. (Oslo: Universitetsforlaget, 1958. 372 pp. $2.00.) English Summary.

Nyordning og Motstand is a case study in the functioning of an interest group system in a Nazi-occupied country. It is an analysis of Norwegian interest groups in the role of civil resistance associations during World War II, when the employer, employee, trade, farming, fishing and professional "organizations" suppressed traditional conflict inherent in the system to unite, under the direction of a master interest group Coordination Committee, against external control. The study is of significance in providing evidence of the viability of pluralism and in showing that David Truman's "access" theory of group behavior, designed for a free democratic society, is inapplicable to an occupied country.

During the pre-war period in Norway, as in the United States, private organizations became the communications media for all essential group interests and acquired considerable political influence. When political parties other than the National Socialist Party (abbreviated NS) were outlawed, these organizations became centers of resistance. The NS, guided by fascist representation theory, set out to control them by making them the foundation of a new national assembly, the "Riksting," which was to replace the Storting. The attempt of the NS to consolidate power resulted in intense conflict, which is described as having four phases: 1) a "negotiation" phase, marked by unsuccessful NS advances; 2) a "sparring" phase, involving protests of sixty-five organizations; 3) an "illegal" phase, in which Action Committees and their directing Coordination Committee were formed to lead the organizations' resistance; and finally, 4) a "Riksting" phase, in which attempts to force membership in several "NS" associations caused disturbances so costly that the Germans ordered the

NS to cease efforts toward establishing a Riksting.

Mr. Wyller, lecturer in political science at the University of Oslo, analyzes the associations both as subjects representative of popular will and as objects to be controlled. Closely familiar with American group theorists, he contrasts the experience of Norway's interest groups with the theory developed by David Truman in *The Governmental Process*. He points out that crisis brought unity and changes in group goals, functions, discipline and communication patterns. Wyller does not consider Norway's wartime organizations to be "interest groups" in the Truman sense of the expression, for they were not seeking "access" to the governmental decision levels. Rather, he finds it more accurate to consider the National Socialist Party a pressure group seeking access to the decision levels in the associations.

Wyller's apparently unique study has substantial potential usefulness for the further elaboration of group theory. The contrasts with Truman's model provide considerable insight into the normal operation of interest groups as well as into their tactics and activity under stress.—SVEN GROENNINGS, *Stanford University.*

Transition in Africa: Studies in Political Adaptation. EDITED BY GWENDOLEN M. CARTER AND WILLIAM O. BROWN. (Boston: Boston University Press. 1958. Pp. 158. $3.00.)

This is the first of what is promised to be a new occasional series, emanating from Boston University's African Research and Studies Program, entitled "African Research Studies." It contains four papers originally presented at the 1956 meetings of the American Political Science Association plus an introductory essay by the editors on "The Process of Transition." In this essay, the editors point out that while the emphasis in the volume is on political transition "there is full awareness that political developments constantly interact with changes in economic life, the social system, and culture." To be sure, awareness of the cultural, economic, and social context within which the political changes take place is evident in all four papers. Yet only Carl Rosberg's paper on "Political Conflict and Change in Kenya" does more than merely acknowledge the significance of these factors. It may be granted that in an essentially political study, the emphasis will not be on the nonpolitical factors. But when one is dealing with a foreign area, particularly Africa, in order to understand the political problems and changes, greater attention must be paid to the broader context.

Despite this reservation, the volume represents a noteworthy beginning for a series on Africa. Although it is a collection by a number of authors, it is not, as so many collections are, a generalized survey filled with bits and pieces of information, platitudes, and pious hopes. Rather, each one of the essays is a solid piece of political analysis around the central theme of political adaptation in Africa. The entire African continent is by no means covered as only four African countries of British Africa—Ghana, Nigeria, Kenya, and the Central African Federation—are considered. The theme of political adaptation is not treated uniformly, nor comprehensively, by all the authors, but rather selectively.

The first essay by David Apter and Robert Lystad on "Political Role Systems in Ghana," while concerning itself with the development of a parliamentary system of government, concentrates on the changing roles among seven political groups: the Cabinet, the Parliament, the national political party, the parliamentary party, the party bureaucracy, the civil service bureaucracy, and the public. By analyzing these changing roles, the authors conclude that Ghana's crucial political problem in transition is the development of political roles which are sufficiently depersonalized to enable constitutional government to operate. This essay is distinguished from the others in the book by its methodological emphasis—a form of "structural-functional analysis" with which Apter has previously identified himself in *The Gold Coast in Transition*.

L. Gray Cowan's "Local Politics and Democracy in Nigeria" concentrates on the changes in local government and the problem of introducing effective popular responsibility in the lower strata of the political structure. This study stresses the difficulties involved in the transition from a traditional to a modern system. Eugene Dvorin's essay focuses attention on the Central African Federation (the Rhodesias and Nyasaland). Here the emphasis is upon the over-all federal structure and the very unique techniques which have been developed because of the basic differences in the racial policies of the three component units. The recent outbreaks of violence in Nyasaland bear out the author's conclusion that the "federal edifice" in Central Africa is, in reality, "built upon a fractured foundation." The last essay, Rosberg's on Kenya, picks up the racial theme in dealing with the problem of the accommodation of European and native African interests within a single political entity. The difficulties involved in building a modern democratic state in Kenya in which Europeans and Africans could live together are analyzed with great skill and insight.

Taken together, the four essays in this volume point up the many different ways in which political transition in Africa is manifesting itself and may be studied. Thus, while contributing greatly to the understanding of the political changes taking place in Africa, this book can also serve as a basis for further study and inquiry. In this connection, the extensive bibliography included in it is a most important part of the volume.—BENJAMIN RIVLIN, *Brooklyn College.*

Civil Liberty in South Africa. BY EDGAR H. BROOKES AND J. B. MACAULAY. (London, New York, Capetown: Oxford University Press, 1959. Pp. 175. 21s.)

This is an essential book for those concerned with the general problems of liberty as well as for those wishing to understand the character of government and politics in South Africa today. It is essential because it brings into sharp focus those changes in the civil liberties of South Africans which are occurring in the effort to maintain white dominance.

Professor Brookes and Mr. Macaulay view these developments from the perspective of the earlier tradition of individual liberty and the rule of law found in classic notions of natural law and in Dicey's statement of the rule of law. The underlying thesis is that the protection of individual liberty and the rule of law were basic parts of both the British and the Afrikaaner tradition in South Africa. Also, among the Bantu systems of consultation with headmen and councilors gave them a similar tradition of restraints on the arbitrary exercise of authority. Under the pressure of the color question, however, these traditions of liberty and the rule of law are being underminded, eroded, or abandoned outright.

This volume is a sober, detailed statement of this restriction of liberty and the growth of arbitrary power. Separate chapters deal with each of the basic freedoms which are now subject to control: freedom of persons in relation to movement, freedom to express opinions, economic freedom, educational freedom, social freedom, and the franchise. The pattern of the administration of native affairs is also given explicit treatment.

Examination of the changing rules in these areas reveals three major tendencies in the handling of liberties. First, there are increasing restrictions on individual freedom, including the freedom to hold meetings, to discuss political issues, or even to visit the homes of friends on the other side of the color line. Second, there is a steady increase in the extent of discretionary power granted to public officials all the way from the minister at the top of the authority structure to the rookie policeman at the bottom. This discretion is granted in such vital matters as racial classification, determination of group areas (racial zoning), the search of private premises without a warrant, and the restriction of certain jobs to a particular racial group. Third, there is a serious limitation, and in some cases the complete abandonment, of judicial processes in the determination of basic rights. Under various laws the Governor General, the Minister of Justice, and even local town councils have authority to banish individual Africans from areas where they live and work without their having been convicted of a crime and without access to court review of the banishment order.

Though these restrictions on liberty and extensions of arbitrary power bear much more heavily on the non-whites than on the whites, yet the authors show that "restrictions on the freedom of non-whites have inevitably brought in their train great and increasing restriction on the freedom of the whites."

The evidence presented here suggests that South Africa may be a modern testing ground for a revised version of Lincoln's dictum that a nation which is half slave and half free cannot long endure. Subjugation, not slavery, is the problem in South Africa. But it is torn between those who would make it all free and those who would increase the extent of the subjugation. This study is a record of the steps recently taken on the latter road. Written by men of real scholarly competence, this is a valuable work not only for those concerned with the particular problems of South Africa, but also for all those interested in the problem of liberty as a part of human political experience.—CHARLES R. NIXON, *University of California, Los Angeles.*

City Life in Japan: A Study of a Tokyo Ward. By R. P. Dore. (Berkeley and Los Angeles: University of California Press. 1958. Pp. 472. $6.75.)

This is without doubt one of the most informative and perceptive studies of Japan since the end of the war. Writing about one of the innumerable neighborhoods in metropolitan Tokyo (but devoting most time and space to Japan proper) R. P. Dore, of the University of British Columbia, set out "to give an idea of what it is like to be a Japanese living in Shitayama-cho. . . . " Since this is largely a sociological report much will not directly concern us here. Suffice it to say there are sensitively written descriptions of the smells, sounds and physical appearance of this very typical ward. There are also thorough discussions of the ward's housing difficulties—the universal complaint of overcrowding and lack of privacy are predominant—health and security concerns and the common obsession with education. In all of these contemporary Japan is contrasted with pre-war Japan and Western industrial societies.

Professor Dore lived and studied in Japan for several months during 1951. Perhaps, then, the only flaw in the book is that in the ensuing years perspective has, of course become sharper. For example, he suggests that the sudden collapse of *Bushido,* state Shintoism, and the denial of the Emperor's divinity raised more problems than were settled. It has since become clearer that Japan's pre-war rigid and complicated social net has begun to disintegrate. As a group they may be developing into, a Japanese psychologist recently remarked, one large "broken family." Divorce, juvenile delinquency and suicide, all comparatively new to Japan, are today startlingly high.

Much of this transformation of values may be seen in the contrasts of their ethical and political attitudes. Newly emphasized individualism competes with traditional accentuation of status. The old paternalism stands challenged by both strong-arm employers and trade unionism. A good deal of the concept of "rulers and the ruled, the leaders and the led" remains prevalent. Moreover, while the Shitayama-cho politician (as most Japanese candidates) appeals less to deeply held beliefs than to his "personal base, his network of personal connections with local 'powerful men' or 'bosses' who can . . . rally voters . . . " many Japanese are concerned with examining ideological bases of society.

Finally, the inevitable question is posed: have the Japanese changed politically since the Surrender? Professor Dore recognizes the many evidences of "democratic" reforms since 1946—a reasonable political democracy and a healthy press, a growing wish to select one's own spouse, more feminine participation in public life, the desire to live apart from parents after marriage, the general cynicism toward pre-war ideals and the like. Yet he also ask:

> Are authoritarian attitudes so deeply ingrained that given new opportunities—new nationalist ambitions which can catch the imagination of the people and offer a new illusion of glory—the old symbols could be resuscitated, or the new ones—'society,' 'welfare,' 'democracy' and the rest mobilized to produce the same political system as before the war?

What happens in the future depends partly on the quality of political leadership which develops, partly on world politics and partly on the meaning these post-war changes will have to Japan's young people.—M. Polner.

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HIRAM M. STOUT

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INTERNATIONAL LAW AND RELATIONS

The Development of International Law by the International Court. By Sir Hersch Lauterpacht. (New York: Frederick A. Praeger. 1958. Pp. xix, 408. $12.50.)

This is a revised and expanded edition of a pioneering study of the World Court in 1934. It covers the jurisprudence of the Permanent Court of International Justice and its successor the International Court of Justice during its first nine years. Sir Hersch was elected a Member of the Court in 1951 and in the right of judicial discretion he refrained from commenting upon Judgments or Advisory Opinions rendered by the Court since then. It may be said without fear of contradiction that rarely has an elevation to the international bench been received with such universal acclaim as has been the election of Judge Lauterpacht. His manifold and devoted activities on behalf of the Court and the judicial function in international relations and his unusual rich contribution to the development of the science of international law have made this election a fitting tribute richly deserved.

The material is arranged in the second as well as in the first edition under five headings, namely: The Law behind the Cases, Judicial Caution, Judicial Legislation, the Effectiveness of the Law, and The Court and State Sovereignty. The object of this important work is not to provide a survey of the substantive contribution of the Court to international law. Rather it is concerned with some of the central and persistent aspects of the judicial process. Like any other tribunal the Court is engaged in balancing conflicting and competing legal considerations. And as before any other tribunal "it is seldom a question of a clear and undisputed right against the entire absence of a right. It is, as a rule, a question of giving effect to a better right against a right of less compelling legal merit" (p. 396). Decisions of the Court may be regarded "as representing the better law—*the* law" (p. 398). However, it is in no sense "a preordained decree" but rather "it is the result of travail and searching which in themselves evidence the ever-present element of judicial responsibility" (*ibid.*). One would look in vain in this book for ready solutions of issues which may come before the Court. Sir Hersch sums up the substantial yet limited purpose of his searching and perceptive inquiry as providing "an analysis of the considerations and problems which, in the light of experience, have proved relevant to forming the Judgments and Opinions of the Court. There are no uniform rules or even principles which can be spelt out from the available practice. The instances of judicial caution are counterbalanced by the examples of judicial valour. The application of the principle of effectiveness is tempered by regard for the sovereignty of States and the intention of the parties interpreted in the light of their presumptive freedom of action. Conversely, experience has shown that considerations of sovereignty are not uniformly or preponderantly decisive. They are, in turn, put in the requisite perspective by the imperative demands of good faith and the requirement of effectiveness of the obligations voluntarily entered into by the parties" (p. 397).

Yet, although predicting decisions would appear hazardous in the extreme, Sir Hersch commits himself to the proposition that it is "in the ability of the lawyer to attempt to predict the nature of the decision, that law is a science" (p. 21). It is not possible within the compass of a brief review to do justice to the many fine points of the author's analysis. It may be possible to underscore some of its salient features. The author holds to the view which he had cogently argued previously that international law is a complete legal order and he seems to continue in the belief that all disputes are capable of a legal solution even though this may be only a stage albeit a significant one in the political settlement. He attaches great significance to showing that the Court has continued to maintain a flexible attitute towards and inclines to greater use of preparatory work, that while paying its respects to the sovereignty of States and the concomitant freedom of action where not expressly surrendered, the Court strives to seek solutions which will make international engagements effective rather than ineffective, and that the Court through judicial legislation continues to promote the progressive development of international law. Instances of the latter are the Advisory Opinions affirming that individuals may derive rights directly from treaties and that the United Nations has objective international personality. The Court thus rejected the traditional view that only States are subjects of international law. Judicial legislation is also seen in the Opinion that the Mandate for South-West Africa constituted an international status for the Territory. In this case the Court, by implication, asserted the power of a group of States to legislate for all States "for status implies an area of operation not limited to the original contracting parties or to contracting parties generally. Status operates *erga omnes*" (p. 182).

The cautious though frequent use by the author of the term "judicial legislation" should discourage rather than encourage far-flung speculations on the actual or potential role of the Court. As the author uses the term it means no more—and no less—than that the Court in choosing between competing starting points of juridical reasoning has on occasion preferred that which leads to progressive rather than retrogressive solutions but in every case the Court's construction is based upon State practice and derives its persuasiveness from it rather than from the pronouncement of the Court. The Court gives its *imprematur* to a tendency or trend initiated by Governments.

It is interesting to note the author's attitude in cases where the Court seemingly opposes a view to which he has given expression. Thus in the Opinion on the International Status of South-West Africa the Court took a rather negative attitude towards deriving analogies from private law. The author of "Private Law Sources and Analogies of International Law" (1927) devotes a longish footnote to a moderate but firm rejoinder. As author, Sir Hersch has emphasized the Court's adherence to the principle of effectiveness, particularly when its own jurisdiction was concerned. However, as Judge Lauterpacht he took occasion to write a separate Opinion in the Norwegian Loans Case arguing the total invalidity of the French—and by parity of reasoning the United States—Declaration accepting the compulsory jurisdiction of the Court which reserved to France the determination of matters of domestic jurisdiction. This raises the delicate point—*ex post facto*—of the basis of jurisdiction of the Court in the dispute between France and the United States concerning Rights of United States Nationals in Morocco (1952). It would be a challenging task to study consistency or contrasts between the views expressed over a period of years in a large number of learned and significant publications by Professor Lauterpacht and those of Judge Lauterpacht as expressed in his Separate or Dissenting Opinions. It might be an inquiry into the evolution from objective scholarship to judicial responsibility.—LEO GROSS, *Fletcher School of Law and Diplomacy.*

The World War and American Isolation, 1914–1917. BY ERNEST R. MAY. (Cambridge, Mass.: Harvard University Press. 1959. Pp. viii, 482. $7.50.)

The complex events leading to American entry into the first World War have never yet been—probably never will be—captured in a single work. The present study chooses to dwell on British and, more particularly German, policies, showing how profoundly American actions were conditioned by London and Berlin.

The author tells the dramatic story of the agonized dilemmas of three men: Grey, Bethmann, and Wilson. Grey succeeded in his main object of preventing a break with the United States. He performed with great skill, yet his success was the product as well of circumstance. The German submarine enabled British policy to proceed with impunity to an ever tighter control of the oceanic highways.

Bethmann was no less determined to avoid a break with the United States. (He once exclaimed in response to the argument that some stake had to be risked in order to gain the benefits of the submarine weapon: "But not the stake of our existence! We should be destroyed like a mad dog!" p. 272.) The cogency of his arguments against unrestrained use of the submarine was subsequently proved by events. Yet, though he presented them innumerable times with patience and skill, and often with effect, he did not prevail. Whatever it was that overwhelmed Bethmann was by that same token a large factor in bringing America into the war.

Professor May's account of Bethmann's struggle is superb. Working against him were the admirals. "If we come to the end . . . without the fleet having bled and worked," wrote Tirpitz in September, 1914, " . . . all the scanty money that there may be will be spent on the army" (p. 114). But the witches' brew was compounded of much else. May summarizes:

> Agitation for unrestricted warfare expressed both rightist horror for the government's democratic and socialist support and rightist desire for power. It gave vent to indignation against Bethmann's reticence on war aims. For Prussian Conservatives it provided a means of attacking the threatened new orientation. For peasants it provided a patriotic outlet for discontent with the government's food policies, its centralizing tendencies, and its urban preferences. For South Germans it masked hostility to Prussia and to the Empire. For Protestants and Catholics alike it supplied a vent for anti-Semitism. Most of all, it expressed the widespread uneasiness over the war, its seeming endlessness, and its desperate sacrifices. (p 289)

If we should endeavor to read a larger meaning in the seemingly blind pressures leading to American entry, this reviewer would argue that the submarine issue spelled the difference between those Germans who wanted unqualified victory and those who, like Bethmann (whose realism May makes abundantly apparent), were willing to settle for much less than the supplanting of Britain at sea and the acquisition of important territories on land. If only by inadvertence, American entry turned on this significant German choice of direction.

As for Wilson's policy, the author, quite sensibly despite the paradoxes, finds room for a variety of factors: prestige, economic advantage, ideal aspiration, and power. "That miserable and dastardly creature called prestige" (the author quotes Gladstone) receives a special emphasis, which is certainly warranted. At the same time, however, Wilson's policy toward the submarine involved a considerable measure of subterfuge: American travel on *armed* belligerent merchantmen was a practice that could hardly have been countenanced had it not been for the push of political preference.

This volume is a model of analysis and of economy in the use of language. The treatment of German policy is definitive.—EDWARD H. BUEHRIG, *University of Indiana.*

The Tragedy of American Diplomacy. BY WILLIAM APPLEMAN WILLIAMS. (Cleveland and New York: World Publishing Company. 1959. Pp. 219. $4.75.)

The thesis of the *Tragedy of American Diplomacy* is that the United States acquired its position of preeminence, wealth, power, and leadership in international affairs through the consistent pursuit of a foreign policy that Williams calls "open door imperialism." Each administration since that of McKinley has embraced this policy in the struggle to realize a central American ideal. This main purpose has been to maintain and nurture an expanding American economy that, in Williams' view, has depended steadily on the domination of foreign markets and on governmental policies which protect and advance American business interests abroad. The imperialism of the United States has operated without the expense and disadvantages of territorial and administrative control and has been concealed under the popular and sentimental ideology of anti-imperialism. Thus, we have sought to impose our interests and our system on others in good conscience by references to the American mission to save and improve the world in the American image.

It is Williams' contention that American foreign policy—and "open door imperialism" is held to be the only foreign policy we have had in this century—was highly successful for fifty years. The tragedy is said to lie in the continuation of this policy when it can no longer succeed. What is needed now is a foreign policy encouraging to the revolutionary aspirations of other countries. The old-line program of economic imperialism must be abandoned. Only a few pages are devoted to the description of the policy of "an open door for revolutions" and the concept remains unformed as a specific and concrete proposal.

Measured against the normal standards of historiography, this book cannot be taken seriously as history. It neither exploits new sources nor synthesizes the specialized literature already existing on the study of American foreign policy. Williams introduces the idea of "open door imperialism" and proceeds to illustrate it with a commentary, much of it highly generalized, on men and events since 1900. Many of his assertions about the historical past would require either documentation or a more powerful supporting argument to achieve credibility. For example, we should like to see the sources or the demonstration in support of the statement on p. 94: "Though officially no more than Secretary of Commerce from 1921 to 1928, Hoover demanded, and received, an unofficial veto over foreign policy as a condition of entering the cabinet. Armed with this authority, he exercised a key influence in foreign affairs." Unusual assertions of this type abound in the chapters without benefit of documentation.

The *Tragedy of American Diplomacy* is particularly interesting for the contrast it provides with the current approach to the analysis of foreign policy by political scientists. During the interwar period, much scholarly effort went into the search for the economic taproot of war, imperialism, and international politics. The single factor causal explanation of foreign policies was frequently taken as an obvious truth although detailed studies such as those of Jacob Viner, William Langer, and Eugene Staley demonstrated that the relationships between international politics and economics are both complex and variable. The reappearance in Williams' analysis of the simple single factor explanation of foreign policy as a function of economic motives and influences is a forceful reminder of how the focus of analysis has shifted since the 1930's.

It is assumed now in most systematic studies that the making of foreign policy is a process involving the interplay of many factors no one of which can be considered as regularly determining. Policy is the product of decisions made. Decision-makers respond to a complex of variables including social values, role, personality, expectations, group pressures and influences, the logic of the situation, the memory of and interpretation of past experience, perceived and real capabilities and resources, and the anticipation of the actions of the decision-makers of other states. In the current perspective, research problems in the foreign policy field are far more likely to be framed in terms of the theoretical or empirical aspects of decision-making than according to the doctrine of any single factor explanation. The approach taken by Williams is no longer in the mainstream of international relations study.—Charles A. McClelland, *San Francisco State College.*

British Investments in Latin America, 1822–1949: A Case Study in the Operations of Private Enterprise in Retarded Regions. By J. Fred Rippy. (Minneapolis: University of Minneapolis Press. 1959. Pp. xii, 249. $5.00.)

This new book by Dr. Rippy, Emeritus Professor of History at the University of Chicago, is substantially representative of his publications since 1945. This work, which is focused on Britain, supplements his *Globe and Hemisphere,*[1] which appeared late in 1958, and which treated United States interests in Latin America. The present treatment is a somewhat more solid job, however; Dr. Rippy has stated explicitly his frame of reference and has stayed generally within it, while the previous book contained much irrelevancy and personal bias. Dr. Rippy is methodologically, intellectually and socially conservative; his tone declares this as do his selection and treatment of subject matter. Within the limited method and scope imposed by these considerations, therefore, it must be agreed that, except for the last two chapters, a sober job has been accomplished.

The principal concern of the book is to examine, country by country, the earnings, calculated on the par value of shares or other securities, of British investments in Latin America. Fluctuating market values and paper bonuses are excluded from the statistical base. It is thus possible to prove that returns were generally very much lower than often is alleged. Except for a few pages (pp. 58–65) regarding somewhat shady operations in Chilean nitrates, there is nothing more than a passing nod in the direction of the useful (if not actually central) matter of company histories. At pp. 172–173, Dr. Rippy passes lightly over this subject with a remark that suggests he feels they would only help him decide whether investment goals in Latin America have been development or exploitation. Therefore there is never any acknowledgment of the question why company earnings were either high or low. Management, personnel, and marketing policies appear to this reviewer to demand some attention, but none has been given them. The relevance of available resources and anticipatable profit margins, even were there only a few real case studies, would have added greatly to the book. Dr. Rippy argues the obtaining of such data would have placed an insuperable burden upon his research. But the fact remains that most of the categories of information considered essential by Poor's or Dow-Jones' analyses remain, unfortunately, vacant.

Because of this, the highly provocative question raised on the book's first page—do overseas investments and extensive international trade, with possible attendant economic development of the participants, actually obviate most of the causes of war?—is unanswerable, at least on the basis of Dr. Rippy's work. Thus orphaned, the matter disappears, and is matched by other nonmethodical elements in the concluding chapters. The sixteeth chapter cites, and comments acidly on, the published thoughts of eminent British social scientists on the world's economic problems. It also includes a special plea for income tax exemptions for United States middle-income groups (including, it would seem, Emeritus Professors); this may be human, but it is scarcely sound method. The final chapter, "Views of Latin American Recipients," shortly becomes a series of quotes from Woodrow Wilson, Franklin Roosevelt, Hubert Humphrey, and other qualified spokesmen. Technical assistance programs, both from the United States and the United Nations, receive opprobrious treatment. But these remarks do not spring from the contents of the book. And the conclusions from the bulk of the chapters, which could have been anticipated to appear, do not do so.

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[1] *Globe and Hemisphere, Latin America's Place in the Postwar Foreign Relations of the United States.* (Chicago, Henry Regnery Co., 1958.)

It is apparent that Dr. Rippy has swum through seas of statistics, and the reader is afforded an opportunity to wet his feet in them. But statistics without perspective cannot give much satisfaction. Such breakdown of method or insight easily jeopardizes much sound research. This book can scarcely be credited as more than a first step toward the description of a vital and complex problem.

World Peace Foundation, *Studies in Citizen Participation in International Relations* (Boston). Vol. I: ALFRED O. HERO, *Americans in World Affairs*, 1959. Vol. II: BERNARD C. COHEN, *The Influence of Non-Governmental Groups on Foreign Policy-Making*, 1959.

The World Peace Foundation is to be congratulated for undertaking this series of reviews of the literature on the interaction of public opinion and foreign policy. The questions asked in the first two monographs and suggested by the titles of later ones on mass media, voluntary organizations, opinion leaders, and cross-cultural contact are the right ones. For years leaders of public affairs organizations have been turning to social scientists asking for advice on which of their activities are effective, who really influences foreign policy, what does the public really think, etc. The answer of honest social scientists have been partial and evasive, for too often what we think we do know does not constitute an answer to these important questions.

Mr. Hero and his colleagues have tried to address themselves to the big questions, and it is surprising how successful they have been. To this reviewer it was a revelation how much useful information was scattered through the corpus of social science studies when someone took the trouble to pull it all together. The authors continually apologize for the meagerness of the material, the weakness of the evidence and the partialness of the answers. It is a matter of perspective which aspect of the situation one chooses to emphasize. To the reviewer it seems more appropriate to stress what a lot of knowledge the social sciences have available for codification.

A reviewer of the literature must make one of two choices, either of which has its dangers: he must decide whether to be a critic or reporter. Mr. Cohen in his treatment of the literature on interest groups and policy making has chosen to exercise a mature critical judgment. The result is a most sophisticated treatment of pressure politics free of the fallacies and cliches which beset the field. For instance we find no confusion here of access with influence. As a result of the rigor of his analysis, however, Mr. Cohen perhaps sells the available literature a little short. Mr. Hero, on the other hand, in his review of citizen participation in foreign policy has chosen to report all that social scientists have claimed to know, including in that a good deal of the current mythology of the field. He uses rather uncritically such notions as the Yankee City class schema as applied to American society, inner and other-directedness, the authoritarian personality, etc.

Also assumed is a judgment that in a democracy it is a good thing for people to be interested in policy quite independently of any special interests or competences which they have. No attention is given to the literature on the anti-Rousseauian side of this question such as the last chapter of *Voting.* Yet the empirical evidence which Mr. Hero cites underlines a conclusion which he does not draw, namely that no one interests himself in foreign policy unless doing so serves a significant personal function for him. Perhaps that is exactly as it should be.—ITHIEL DE SOLA POOL.

The United States and the United Nations: The Public View, 1945–55. BY WILLIAM A. SCOTT AND STEPHEN B. WITHEY. (New York: Manhattan Publishing Company, 1958. Pp. xiii, 314. $3.00.) *The Nations and the United Nations.* BY ROBERT M. MACIVER. (*Ibid.*, 1959. Pp. x, 186. $3.00.) *L'etat souverain et L'organisation Internationale.* BY MAURICE BOURQUIN. (*Ibid.*, 1959. Pp. vii, 237. $3.00.)

What do you expect from a project started in 1952, expending a half-million dollars, involving 500 experts from 24 countries, and likely to produce 27 volumes? Especially when it is concerned with the policies and attitudes of various countries toward international organization—and peace? One feels or hopes such an exercise could turn the tide. It will not. But I believe the enterprise was worthwhile.

Of the two planned appraisals, Professor MacIver's will probably find the most readers. Professor Bourquin has done a masterly, bland summary. Most likely, the specifics in Scott and Withey's book will tend to stimulate further questions among scholars and considerable misgivings amongst those who try to use educational measures to buttress peace.

Since I have not yet read all of the numerous project volumes, I will assume that MacIver is correct in finding that the underlying agreement in the studies is that the UN is a tool rather than an authority. He feels the conciliatory techniques of the UN have reduced the chances of World War III—but not by much! The importance of the United Nations, he points out, is its role as a guardian and agent of the common interests of all.

Scott and Withey are very cautious, pointing out that the theoretical value of much of their material is quite limited. (They prefer "probability" sampling to "quota" sampling.) Perhaps the most earthy observation comes from Dr. Joseph E. Johnson, the head of the Carnegie Endowment for International Peace, the organization sponsoring this marathon: "It is one conclusion of this volume that, as far as the United Nations is concerned, the indispensable knowledge of 'fundamental and essential facts and principles' has not been acquired." He is referring primarily to the United States, but I suspect the diplomatic statement applies throughout the world.

For those active in adult education, it may be useful to note Scott and Withey's conclusion that higher educated groups are more likely to support the purposes and functions of the United Nations, but they were (1945–1955) also more likely to be critical of its performance. Bourquin adds: "C'est donc la formation d'une élite qui constitute, en l'occurrence, l'objectif principal."

The two summary volumes in a minor way excite one to explore the range of volumes in the entire series.—Richard H. Heindel, *Wagner College.*

War and the Soviet Union: Nuclear Weapons and the Revolution in Soviet Military and Political Thinking. By H. S. Dinerstein. (New York: Frederick A. Praeger. 1959. Pp. 265. $5.50.)

While Stalin was alive nothing which even remotely related to ideology escaped the oppressive nature of his intellectual dogmatism. Since Stalin increasingly fancied himself, during and after the War, as a great military captain and a professional military theorist, his control over the development of Soviet military doctrine was particularly stringent. Although the aging dictator was sufficiently pragmatic to speed the development of modern military technology, Soviet strategic doctrine, ossified within the Procrustean bed of Stalin's five "permanently operating factors," failed to keep in step with the development of new weapons of mass destruction. Thus, while Stalin assiduously stockpiled atom bombs and accelerated the development of thermo-nuclear bombs and missiles, during this same period (1947–1953), not a single article on atomic weapons appeared in Soviet military journals, and the Soviet public was deliberately kept in a state of blissful ignorance concerning the terrible nature of nuclear weapons. To his dying day, Stalin remained addicted to his notion, expressed to Alexander Werth in 1946, that atomic weapons could not be a decisive factor in war and that their chief utility was to frighten those with "weak nerves."

After Stalin's death, the rigid ideological mold within which Soviet military thinking was imprisoned was burst and Soviet military theoreticians were allowed, and even encouraged, to venture forth into hitherto proscribed areas of discussion and criticism. The consequence was a radical renovation of Soviet military doctrine, and it is to this revolution in Soviet military thought that Herbert S. Dinerstein, a senior staff member of the RAND Corporation, addresses himself in this lucidly written, meticulously documented and brilliantly executed study. With keen perception and penetrating insight, the author wades through the morass of articles by Soviet colonels, generals and Marshalls, skillfully segregating the transitory and ephemeral aspects of conflicting commentaries and opinions from the fundamental and permanent innovations introduced into current Soviet military doctrine.

While Dinerstein properly relates the military debate to the ideological and factional schisms in the Presidium, the most dramatic contributions of his study center on the new qualitative dimension assigned to the factor of "surprise" in Soviet strategy and the doctrine of "pre-emptive war" which is erected upon it. Stalin viewed surprise to be a purely tactical and transitory factor in war, alluring only to inferior military minds. The Nazi conception of "blitzkreig," was, for Stalin, the consummate expression of a military doctrine centered on surprise and its possiblities and limitations were mercilessly put to the test during World War II and found wanting. Even the advent of thermo-nuclear weapons and the clear prospects of virtually instantaneous delivery by rockets failed to alter his contempt for the surprise factor in war. It is clear, however, that many prominent Soviet military commanders, although muted by fear, vehemently disagreed with this view, particularly Marshal P. A. Rotmistrov, who plays a key role in the evolution of the Soviet doctrine of pre-emptive war. According to the Marshal, whose views are treated with great respect by Dinerstein, it would be sheer folly for the Soviet Union to rely complacently upon a military doctrine based upon Stalin's five permanently operative factors (stability of the rear, morale of the army, quantity and quality of divisions, armament of the army, and the organizational ability of army commanders) to decide the outcome of the next war, since modern military technology had transmuted surprise from a transitory advantage into a decisive one, under certain conditions, in spite of the five permanently operating factors. Consequently, the Soviet Union must be psychologically and physically prepared at all times to avoid a surprise attack, even to the point of launching a pre-emptive strike, which is defined as an attack which takes place at the moment just prior to the enemy's blow. While the distinctions between "pre-emptive" and "preventative" war are subtle and fine, Soviet writers are unanimous in defining preventative war as a military concept suitable only to imperialist aggressors. The proper function of a pre-emptive attack is to frustrate a preventative war planned by the enemy. How will the Soviet leaders determine whether the enemy is preparing a preventative war? With a disquieting certitude, Rotmistrov asserts that while "it is impossible to foresee every trifle in all cases . . . it is absolutely clear and beyond argument that Marxist-Leninist science is fully capable of foreseeing . . . the transition from a condition of peace to a condition of war" (p. 193). In other words, the Kremlin will be the sole judge as to whether a pre-emptive strike is expedient or necessary, and any such blow will be, by definition, "pre-emptive," since the Soviet Union would never resort to "preventative" war. In view of the relentless accusations in the Soviet press and radio that American "ruling circles" are preparing war against the Soviet Union, the new Soviet concept will tend to stimulate similar doctrines of the "pre-emptive" strike in American military thought designed to break up a Soviet "pre-emptive" war. Whatever the formula, the crucial factor in the situation remains human judgement.

Dinerstein conclusively demonstrates that "pre-emptive" war is now a part of Soviet military doctrine, but what he does not and cannot prove, on the basis of available evidence, is whether "pre-emptive" war has been adopted as official State policy. As the author himself carefully points out, the idea of pre-emptive war has yet to be publicly espoused by responsible Soviet statesmen as State policy, but it has not been repudiated either. According to Dinnerstein, "just as it is now Soviet official policy to be ready to deal a pre-emptive blow on receipt of timely and reliable warning of a planned enemy attack, so it is also official policy publicly to deny the existence of any such military doctrine" (p. 211). Dinerstein's final words that "the Soviet leaders believe further that in some circumstances it might be desirable to strike an initial nuclear blow, and they mean to have a military establishment suited to that end" (p. 257), is a matter of judgement, but in view of his careful and balanced analysis it is a judgement which it would be extremely perilous to reject.—VERNON V. ASPATURIAN, *The Pennsylvania State University.*

Israel and the Palestine Arabs. BY DON PERETZ. (Washington, D. C.: The Middle East Institute. 1958. Pp. xl, 264. $5.00.)

The Palestine Refugee Problem. A New Approach and a Plan for a Solution. Published by the Institute for Mediterraenan Affairs. (New York: Martin's Press. 1958. Pp. 133. $2.50.)

Among the many complex refugee problems of the post-war period, that of the Palestine Arab refugees has been the least susceptible to international efforts at solution. Since 1948, nearly a million of these refugees have been living in the Arab countries bordering Israel. The conflict between these Arab countries' insistence on the refugees' right to return to Israel and Israel's refusal to accept them must be solved if peace is to be established in the Middle East. More than welcome, therefore, are these two works which grapple with this thorny issue with such obvious insight and care.

The particular contribution of Mr. Peretz' book is the clarity and objectivity with which he analyzes not only the Israeli and Arab policies which have affected the refugees but also the economic, social and psychological factors involved. Though the U. N. General Assembly resolution of December 11, 1948 proposed repatriation for those refugees who wished to return to Israel and compensation for the property of those who preferred not to do so, the Israeli government has been too fearful of admitting hundreds of thousands of hostile Arabs to conform. The alternative approach of large scale plans to develop the Jordan Valley to absorb refugees from the Arab states also failed at least partly through taking too little account of human feelings and political pressures in their concentration on the engineering features of regional development.

Though Mr. Peretz does not spell out a solution to the problem in his own book, he is one of eighteen independent scholars (Jewish and non-Jewish) who have put forward what they call "a new approach and a plan for a solution" in the first substantial publication of the Institute for Mediterranean Affairs. Their belief is that political passions have cooled sufficiently to open the way to a settlement, and that there are people on both sides willing to consider a plan which puts its focus on the individuals concerned and provides benefits and safeguards both to the Arab States and Israel. The group upholds the principle of repatriation or compensation, embodied in the General Assembly resolution of 1948, but proposes "an overall integrated attack on the problem from all sides at once." On a broader basis than the United Nations Work and Relief Agency whose mandate expires on June 30, 1960, they propose a special United Nations authority for repatriation and resettlement consisting of an equal number of Israeli and Arab members under an impartial chairman and responsible to the General Assembly. This authority should seek to settle each family in terms of its individual choice. The group estimates that this can be done in a five to ten year period at a total cost of $400 million (that is, about $2,500 for a family of five) to which the United Nations, the United States, Israel and the Arab states should contribute.

This bold proposal offers as promising an approach to a serious international as well as humanitarian problem as has yet been proposed. It takes into account both economic and human factors and at a moment when time has begun to blur the intensity of feeling which drove out the refugees in the first place. But as the chairman of the panel, Abba P. Lerner, points out in his personal comments on the problem, Israel is an ethnic state within which substantial minorities can hardly feel at home. In this situation, as in other similar ones where exchanges of population have been carried through by international action, immediate separation with the hope of ultimate international integration seem the best way to safeguard peace. For this reason it is perhaps hopeful that over half of the present Palestinian Arab refugees are under fifteen years of age and can have, therefore, no personal sense of attachment to the homeland of their parents. From their point of view, as well as that of Middle East peace, resettlement, if generously enough supported, seems a more promising solution than repatriation.—LOUISE W. HOLBORN, *Connecticut College.*

Syria and Lebanon under French Mandate. BY STEPHEN HEMSLEY LONGRIGG. (London, Toronto, New York: Oxford University Press. 1958. Pp. x, 404. $6.75.)

The Royal Institute of International Affairs is an unofficial and nonpolitical body founded to encourage and facilitate the scientific study of international questions. The Institute as such does not express opinions on any aspect of international affairs. However, in *Syria and Lebanon under French Mandate,* Stephen Hemsley Longrigg's latest of three books issued under the auspices of the Royal Institute, some highly interesting opinions are expressed by the author. These personal opinions are worthy of the most careful consideration by policy-oriented political scientists, because they result from the author's intimate first-hand knowledge of the area, and of neighboring Middle Eastern areas, and from a more recent detailed study that he has made of French, Arabic, English, American and Italian materials. The author has sought "complete objectivity and sober truth," although readily admitting the difficulties in appraising events so encompassed with emotion. To say that Brigadier Longrigg will have his critics, both Arab and French in particular, is not to conclude that he has failed to achieve a high standard of objectivity. His book is probably the most valuable study, and the most complete, on the origin, life and demise of the French Mandates in the Near East. The strength of the book rests on the skillful analysis of historical, economic, political and social data. While presenting a detailed factual picture of the 1919–1946 period in Syria and Lebanon, the chief value of the book lies in its interpretations and conclusions. Some of the more significant ones follow.

Appraising the success and failures of the French Mandates, the author is quite ready to recognize the important social and economic gains that came to the area under

French supervision . . . new roads, telegraphs, aerodromes, harbors, and public works. In the whole non-political sphere the accusation against the French should be that they overemphasized their own contribution and assumed excessive control, rather than that they did too little. However, in the constitutional and political sphere, by which they have been mainly judged by the Arabs and others, Longrigg finds French failures "persistent and almost unrelieved." For this, three main reasons exist: "The circumstances in which the Mandate was imposed, the Syrian attitude, and the shortcomings of France herself."

The imposition of the Mandate by armed force on the ruins of a National Government and Arab monarchy "evocative of the strongest local pride, and after an emphatic Syrian rejection of mandates in general and that of France in particular," was most unfortunate. The author stresses the "excessive" use of French officials and controls (in comparison with the British in Iraq), the belittling of Syrian pride, and the failure to secure the cooperation of many of the best Arab minds. He states that "no error of policy was more persistent than that of emphasizing the distinctness, and minimizing the essential unity of the religious and geographical enclaves in Syria. He believes that the adoption in 1920 of a unitary Syria, containing "a mildly privileged Mount Lebanon," would have saved a whole multitude of later troubles, possibly including the pro-Soviet leanings of Syrian foreign policy in 1957.

Perhaps the authors chief conclusion is that the French failed to appreciate the true forces at work in the Near East; and that they showed excessive concern with French prestige and French strategy. He feels, as does the reviewer, that the rise and fall of the Mandate has relevance to the problems with which the French were confronted in Africa years later.

As for British-French relations, Longrigg is adamant in saying that French suspicions of British designs on Syria in 1919 and 1941 were unjustified. Nonetheless, some students of imperial policy will not find it as difficult as does Brigadier Longrigg to understand how such suspicions develop and are widely held despite the "indisputable general history" to which he refers.

It is to be hoped that this excellent book will be widely read by Arab, French and American scholars and policy-makers.—S. Shepard Jones, *University of North Carolina.*

The Russian Push toward Japan: Russo-Japanese Relations, 1698–1875. By George Alexander Lensen. (Princeton, N. J.: Princeton University Press. 1959. Pp. xv, 553. $10.00.)

The Russian Push Toward Japan is a painstaking, illuminating, and very interesting account of Russo-Japanese relations between 1698 and 1875. The author, George Alexander Lensen, has been able to use extensive source material in both Russian and Japanese. More than half of the volume deals with early contacts, before the 1850's, characterized by Russian exploration of Japan and sporadic efforts to establish trading relations and extend and settle boundaries in Sakhalin and the Kuriles. The book then goes on to describe the success of Putiatin in getting treaties with Japan in the 1850's, early intercourse under the treaties, and the negotiations leading in 1875 to Russia's acquisition of Sakhalin and abandonment of claims to the Kuriles. The author concludes that prior to 1875, the "stream of Russo-Japanese relations had flowed primarily in one direction: from Russia toward Japan." This was "a period of Russian initiative and Japanese withdrawal." About 1875 a new era was begun. Henceforth "the stream of Russo-Japanese relations was to flow in crosscurrents of purpose, direction, and initiative."—Ellsworth C. Carlson.

The Axis Alliance and Japanese-American Relations. By Paul W. Schroeder. (Ithaca, N. Y.: Cornell University Press. 1958. Pp. ix, 245. $4.50.)

This is a thoughtful reexamination of the diplomacy of 1941. One focus is on the Tripartite Pact: circumstances in which it came into being, the aims of Germany and Japan in making it, and the subsequent estrangement of the axis partners. Another focus is on the negotiations between the United States and Japan from the spring of 1941 until the eve of Pearl Harbor, with special attention being given to the relationship between these negotiations and the existence and deterioration of the Tripartite Pact.

The author believes that there was a shift in Japanese policy in mid-1941; that Japan was anxious to reach a settlement with the United States, and that the Tripartite Pact was becoming inoperative. There was, therefore, a chance of a *modus vivendi.* The chance was lost, however, because of uncompromising State Department insistence (supported by public opinion) on moral principles and liberal doctrines. "Japan was not merely to be contained and held back, but to be squeezed and harried until she conformed, that is, until she disgorged her gains and abandoned her evil ways." Meanwhile, the freezing of Japanese assets in July had put Japan's back to the wall, and the Japanese leaders decided that they had to fight.

The crucial question which a book based only on sources in Western languages cannot answer definitively is whether the "moderates" (as Schroeder calls them), who apparently wanted to reach agreement with the United States, were really in control of the Japanese military.—ELLSWORTH C. CARLSON.

Japan and Communist China. BY SHAO CHUAN LENG. (New York: Institute of Pacific Relations. 1959. Pp. 166. $3.25.)

Although Japan maintains diplomatic relations with Taipei rather than Peking, this fact has not prevented a growth of unofficial contacts between Japan and Communist China. These unofficial contacts and Peking's drive to get diplomatic recognition from Japan, are the subjects of this volume. The unofficial contacts are discussed in chapters entitled "People's Diplomacy" (on goodwill missions and cultural and scientific exchange), "Japan—Communist China Trade," and "The Repatriation Program." "Communist China's Campaign for the Restoration of Diplomatic Relations with Japan" is the subject of another chapter. There is also an analysis of "The Attitudes of the Japanese Toward Communist China." The book is based, mainly, on current Chinese and Japanese publications, especially newspapers, as well as observations and surveys conducted by the author while he was in Japan in 1956–1957.—ELLSWORTH C. CARLSON.

Titoism in Action: The Reforms in Yugoslavia after 1948. BY FRED WARNER NEAL. (Berkeley and Los Angeles: University of California Press. 1958. Pp. xi, 331. $6.50.)

The main purpose of this abundantly documented and vividly written book, is to show various aspects of internal evolution and change of the communist regime in Yugoslavia. "Titoism in action" means, according to the author, that the Yugoslav regime, once rejected by Moscow and violently indicted by Stalin, had to depart from its initial stalinistic orthodoxy and to look for new theoretical and pragmatic solutions, dissimilar with Soviet patterns.

For the author, the main theoretical difference between titoist and Soviet conception of communism, concerns the role of the State. Contrary to Soviet official doctrine and attitude, the Yugoslav communists insist on the necessity of the "withering away" of the State, as a basic condition for the realization of Socialism. From this postulate follow their reforms, whose essential element is the decentralization of the governmental organs and the economic life. Thus, the titoist aim is to transform the previous reality of State socialism into a new and superior stage of an economic democracy. Consequently, the author leads the reader through the main fields in which Tito's regime has tried to evolve from its stalinistic prototype: the communist party, the new constitutional system, the management and control of economy, the reforms in local government and in agriculture. In some other chapters, especially those devoted to the charismatic role played by Tito himself, to the relaxation of totalitarianism and to the evolution of Yugoslav foreign policy, the author presents similar arguments which should contribute to the full understanding of the Yugoslav "national" communism.

Trying to keep his analysis well balanced and objective, the author contends that those reforms have already "transformed the political and economic character of the State" (p. 8), but implies in many other places that they are too recent to allow any definitive judgement. He devotes also many pages of the book to the discussion of contradictions within titoism, mainly in the field of decentralized economy, agriculture, communist party and foreign policy. His description of shortcomings of Titoism in those fields, leads to the crucial problem of the evolution of the Yugoslav Communist Party itself. According to the author, the Party leaders are torn between a genuine desire of democratization and a fear—illustrated by the Djilas case—that an actual democratization would lead to their loss of power. He concludes, consequently, that while the Yugoslav communists have adopted some "elements of liberal thought and humanitarianism" (p. 230), the Party has continued to monopolize all the political power for itself, for "Leninist theory has gone, but the Leninist concept of the Communist party remained" (p. 248).

Here this reviewer finds a basic inconsistency in this otherwise competent and useful book. From one side, the author seems to accept the main contentions of Yugoslav communist chiefs as proof of a radically changed Yugoslav reality. Thus, he writes that they have "abandoned Leninism" (p. 29), that the constitutional reform of 1953 has been "complete and basic" (p. 90) as a "new departure away from authoritarianism" (p. 114), that the "new Yugoslav economic system achieved surprising positive results" (p. 143), that "the workers and their representatives did in fact play a leading role in the management of enterprises" (p. 157) and that "the 1952 law changed the basic nature of local government in Yugoslavia" (p. 163). These categorical affirmations—and the list could be extended—are from another side more than put in doubt by many other contentions of the author (practically always when he speaks for himself and not taking for granted Tito's, Kardelj's and other official statements). For example, he recognizes, as quoted above, that Leninist concept of the Party has remained, his criticism of the entire Yugoslav economic system is essentially very harsh, his affirmations of "complete" constitutional and local-governmental reforms are more than unreliable when he states himself that "the UDBA, the secret political police, was still a highly centralized organization and excluded from people's committee jurisdiction" (p. 168), that the Party through the trade unions secured "conformity not only in workers' councils but also in local government" (p. 169) and that "party views prevailed in the government at all levels" (p. 237). The antinomical character of those statements shows that a totalitarian regime may relax its pressure and introduce some changes under the condition that the heart of the problem—its monopoly of political power—remains intact.—Milorad M. Drachkovitch, *University of California, Berkeley.*

Disarmament. By Anthony Nutting. (New York: Oxford University Press, 1959. Pp. xi, 52. $1.40.)

This useful little volume, subtitled "An Outline of the Negotiations," covers the period from 1945 to 1958. It is an admirable summary of the positions and reactions of the principal negotiating powers from the Baruch plan to the Russian reopening of the German question, which the author regards as a diplomatic device to get out of the stalemate and up to the Summit. Mr. Nutting does not restrict himself to chronology. He evaluates the extent to which the negotiators seemed to join or refuse to join the issues at the several conferences or important exchanges of correspondence, and he concludes by stating the minimal conditions necessary, in his view, for any beginning of effective disarmament. He believes that disarmament, Germany, and European security are "inseparably interlocked"; that "it should not be impossible to agree upon the minimum requirements for a partial package deal; but it is difficult to have great hopes . . . for the sad truth is that the great powers seem to fear an agreement more than they do a continued deadlock."

The Legality of Nuclear Weapons. By Georg Schwarzenberger. (London: Stevens and Sons, Ltd. 1958. Pp. vii, 61. 3s. 6d.)

This short booklet which appears under the auspices of the London Institute of World Affairs, examines all relevant rules of international law which could be applied to nuclear warfare. On strictly legal grounds the author regards nuclear weapons as illegal because they belong under the rules prohibiting the use of poison and poisoned weapons. Considering the political realities of the world situation, Professor Schwarzenberger regards a "treaty outlawing the use even of the whole 'family' of nuclear weapons . . . grotesquely incongruous to the challenge confronting us." On the other hand, a monopoly of nuclear energy in the hands of a world atomic energy authority, if effective, would amount to a World State. Yet, the writer concludes, that only a new world public order could offer a workable alternative to the "balance of terror." A revision of the rules of warfare which would embrace nuclear weapons, he regards under the present conditions as virtually useless.

Atoms for Power: United States Policy in Atomic Energy Development. By The American Assembly, Columbia University. (New York: The American Assembly. 1957. Pp. 165. $1.00 paper.)

This symposium served as a basis for the meeting of the Twelfth American Assembly. Philip Jessup's thoughtful introduction concludes with asking a number of relevant and still timely questions. Robert Oppenheimer's article sketches "the environs of atomic power" by reflecting on the war years and by pointing out the relations between military and peaceful uses of the atom. He ends by envisaging the place of scientists in our future society. Oliver Townsend contributes a detailed account of the atomic power program in America, in the building of which he had taken an important part. Dr. Walter H. Zinn provides the scientist's appraisal of reactor development. Klaus Knorr in a most stimulating essay discusses international aspects of the American program in the light of foreign policy objectives and their interrelationships with domestic considerations. The addresses of Sir John Cockroft on the British nuclear program and Max Kohnstamm on *Euratom* plans are added to this informative volume which concludes with the findings and recommendations of the Assembly.

The Quest for Security: Some Aspects of Netherlands Foreign Policy, 1945–1950. By S. I. P. Van Campen. (The Hague: Martinus Nijhoff. 1958. Pp. xv, 308. 19 guilders.)

Sponsored by the Netherlands Institute of International Affairs, this is a scholarly and sound account of Dutch foreign policy after the Second World War. The emphasis is on relations with Germany and on participation in United Nations and regional collective security. The political aspects of West European integration are also discussed, but the Indonesian issue is intentionally omitted. Based on available diplomatic and parliamentary documents (almost the entire second half of the book presents these sources in English translation) the treatment is chronological and traditional. Although the transition from a policy of neutrality to wholehearted participation in security *blocs* does not lack interest, the author narrowed himself to a narrative of governmental actions and arguments, citing dissenting views in the States General, but refraining completely from an analysis of the composition and strength of the various groups and parties. The process of policy formation, the forces for and against European integration, the reasons why certain groups changed their attitudes, etc., remain largely concealed.

World Affairs: Problems and Prospects. By Elton Atwater, William Butz, Kent Forster, and Neal Riemer. (New York: Appleton-Century-Crofts, Inc. 1958. Pp. ix, 621. $6.95.)

An intelligent, vivid introduction to International Relations for the general college student, this is neither a conventional text nor a book of readings, but tries to incorporate the virtues of both. It uses the "problem approach" by taking one by one certain fundamental theoretical position, such as "Does Man's Nature Make War Inevitable," or "Nationalism: Curse or Blessing?," or "Is Diplomatic Negotiation Feasible?" The four authors (who jointly contribute the larger part of the book) provide extensive backgrounds to each problem, analyzing the historical role as well as the current significance of an controversy around each problem, thereby presenting a richness of relevant factual material. Each problem is then discussed from differing vantage points by three representative authors. A series of questions for discussion and annotated bibliographies complete the individual chapters. Although some may question the usefulness of this kind of approach, the authors have accomplished a thoughtful and thorough job which will satisfy the needs of many a teacher and student.

A Great Swiss Newspaper: The Story of the "Neue Zürcher Zeitung." By Elizabeth Wiskemann. (New York: Oxford University Press. 1959. Pp. 90. $2.90.)

This is an exceedingly well written and most perceptive brief history of one of the oldest and for generations one of the most influential European newspapers. The writer who is well known by her contributions to the Chatham House *Surveys* and authorship of some of its noted monographs, has recently become Professor of International Relations in the University of Edinburgh. Her account of the Swiss paper, which many regard today something akin to a European institution as well as a fortress of liberalism, makes one aware of how little the informational and opinion-forming role of individual press organs has been studied by political scientists. Using the *Neue Zürcher* as a mirror, the present account throws fascinating glances at Swiss political and intellectual history; the development of an important aspect of Western civilization; and European diplomacy. The chapters dealing with the period since the first World War are particularly interesting; the anxious years of the Second World War the author witnessed from the British Legation in Berne where she was Assistant Press Attache. For the student of European politics this is a delightful little volume, beautifully printed and illustrated.

Guide to the Diplomatic Archives of Western Europe. Edited by Daniel H. Thomas and Lynn M. Case. (Philadelphia: University of Pennsylvania Press. 1959. Pp. ix, 389. $7.50.)

This *vade mecum* is designed for American scholars planning to do research in European diplomatic archives. Although primarily designed for historians, it will serve students of international politics and comparative government equally well. Each chapter contains a history, description of organization, review of administration and regulations, and suggestions for the most effective utilization of the principal depositories of diplomatic documents in an individual country. Detailed bibliographies listing published collections and guides complete the chapters, which are compiled by specialists, several indeed by the foremost authorities. The volume covers Austria, Belgium, Denmark, France, Germany (with a special chapter on Bavaria), Great Britain, Italy, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and Vatican City. There is a chapter on League and U. N. documents and one on UNESCO. The problems of finding out public opinion's effect on foreign affairs are hardly exhausted in two chapters. Altogether a most useful handbook.

Year Book of World Affairs, 1959. (London: Stevens and Sons. 1959. Pp. xix, 497. £2.2s.)

As usual the second half of the Yearbook consists of short book reviews in the form of bibliographical essays. An exception is a rather unusual book review by Vladimir Dedijer, Tito's official biographer now in disgrace. Important among the articles which fill the first half of the volume is Max Beloff's realistic appreciation of regional associations. He regards it unlikely that even the "Europe of the Six" will ever take the leap forward toward genuine federation from which an easy return to a system of national sovereignties would no longer be possible. Beloff's essay contrasts with F. Parkinson's speculations on the possibilities of "optimum disengagement" and all-European integration which conclude that "a rising standard of living will bust the limits of autocracy" and advocates a new "Marshall offer" to the Soviet bloc as an avenue toward European integration. Of high value is Kenneth W. Thompson's analysis of "American Approaches to International Politics" which is built around the works of Niebuhr, Spykman and Morgenthau ("the philosophers"); Lippmann and Reston ("the publicists"); and Kennan, Nitze and their former associates ("the planners"). Lord Hailey believes that the "Decline of the Colonial System in Africa" will result in the emergence of certain dominant communities which will hold the rest of the population in subordination. Susan Strange maintains that the liquidation of the sterling area would involve a conversion of British public opinion to a "Little England" attitude but that less ambitious financial reform is overdue. Miss Dewar softpedals the exploitative nature of "Economic Cooperation in the Soviet Orbit" and gives the benefit of the doubt to several recent developments. D. H. N. Johnson, who as a member of the United Kingdom's delegation writes on the Geneva Conference on the Law of the Sea, should be read in conjuction with articles on the same subject by Arthur Dean in *Foreign Affairs* and in the *A.J.I.L.* Arthur P. Whitaker contributes an excellent paper on the Organization of American States. Finally, co-editor George Schwarzenberger concludes an interesting article on "Hegemonial Intervention" by finding that "in a divided world, intervention is in case of doubt not of local but hegemonial character . . . high-sounding notions such as interdependence and interpenetration . . . [do not] necessarily imply reciprocity." He sees "the growing dependence of the many and a correspondingly increasing independence, at least from outside control, of the select few."

Documents on International Affairs, 1956. Edited by Noble Frankland. (London, New York: Oxford University Press. 1959. Pp. xxiv, 768. $13.45.)

The newest volume of the Chatham House collection covers a year of unusually dramatic events: Suez, Hungary and Poland. A collection which appears more than two years after the events can provide fuller coverage and better perspective, even though those who are working on contemporary events would want to be equipped with such aides as soon as possible. Thus the current volume gives well deserved credit to the collections of documents published by Columbia University on *National Communism and Popular Revolt in Eastern Europe* as early as December, 1956 and to the *Report of the* [*U. N.*] *Special Committee on the Problem of Hungary.* Selection and editing, as usual, is of the highest standard.

The Second Soviet-Yugoslav Dispute: Full Text of Main Documents, April–June, 1958. Edited by Vaclav L. Benes, Robert F. Byrnes, Nicholas Spulber. (Bloomington: Indiana University Publications. 1959. Pp. xlii, 272. $3.50.)

A very useful collection of documents of the less dramatic but scarcely less interesting second Soviet-Yugoslav dispute which has been brewing since 1956. It is, therefore, not quite clear why the learned editors confine their collection to the dispute in the Spring of 1958, publishing under "Preliminaries" merely Khrushchev's Belgrade Airport speech (May 27, 1955); the Soviet-Yugoslav declaration of June 20, 1956; and the Declaration of Communist Parties of November 14–16, 1957. The altercations during and after the Hungarian Revolution, as well as Tito's attitude to Gomulka's Poland, go far to explain the end of the short Soviet-Yugoslav honeymoon in the summer and fall of 1956. Yet, on these, no documents are included. The period selected (April-June, 1958) is, however, fully covered. The fourteen documents, mostly printed in their entirety, include the voluminous Ljubljana Program of the League of Communists of Yugoslavia.

Entangling Alliance: Politics and Diplomacy under George Washington. By ALEXANDER DECONDE. (Durham, N. C.: Duke University Press. 1958. Pp. xiv, 536. $7.50.)

Stressing the period of Washington's presidency, this is a detailed, heavily documented account of the alliance between France and America. The author is particularly interested in tracing the interaction between foreign and domestic policy, centering on the eight years during which the young republic gradually disentangled itself from its most important alliance. Because of the author's primary interest in "problem-analysis," the treatment is largely topical. This somewhat affects the consistency of the story, but increases its value for the political scientist. His conclusions do not challenge the main outlines of the traditional picture but they sketch in the role of everyday political pressures and counterpressures, as well as the often emotional or "irrational" motives and actions of those chiefly responsible for policy. The author takes issue with George Kennan and Professor Morgenthau who regard Washington and Hamilton as endowed with more wisdom and foresight than their latter-day successors. Even more sharply does he turn against those who interpret Federalist foreign policy as motivated chiefly by exalted principles and free from "political expediency and *ad hoc* diplomatic expediency." In the author's words, "as in most periods of stress and storm and as a result of their practical origins, the precedents are mixed and contradictory."

Pride of State: A Study in Patriotism and American National Morality. By JOSEPH P. MORRAY. (Boston: Beacon Press. 1959. Pp. xvii, 173. $4.00.)

The author (now teaching Law at Berkeley) was Naval Attache in Madrid when McCarthyism was at its height. After his release from active duty he wrote this essay against the excesses of nationalism, particularly American nationalism. It ranges from a historical and metaphysical discussion to an analysis of and suggestions for American foreign policy. The approach is *a priori* and moralistic. While the author is well read in the classics, he seems to ignore the rich literature on the theory and history of nationalism. His thesis is that American super-patriotism and reluctance to base foreign policy more on the United Nations as well as on unselfish aid to underdeveloped nations has led us willy-nilly into ill-disguised imperialism on the very periphery of the Communist countries. The author wants Americans rather to exercise "containment" on themselves, not as the result of a utopian internationalism but as the product of an enlightened patriotism which is compatible with "humanism and duties of universal scope." Despite its obvious sincerity and thoughtfulness, the essay often lapses into mere commonplace.

Issues and Conflicts: Studies in Twentieth Century American Diplomacy. EDITED BY GEORGE L. ANDERSON. (Lawrence: University of Kansas. 1959. Pp. 374. $5.00.)

This collection of fifteen essays was prepared for a symposium on American diplomatic history, held at the University of Kansas in the summer of 1957. Each participant selected his own topic and developed it according to his own views. There is, therefore, little unity in content, viewpoint, or method. Impressive is the complexity of issues, problems and approaches. At its best, the volume resembles the bound issues of a good journal specializing in American diplomatic history, *minus* title-pages and book reviews. As all the essays deal with the present century and many of them discuss general theoretical propositions, they are of relevance to the study of international relations. Those on the Far East include William L. Neumann's interesting discussion of the American image of China, a re-formulation of David Nelson Rowe's well-known plea for a more aggressive American policy towards the Peking government, and Richard L. Walker's discussion of the new "cultural diplomacy." Among the more general topics one may mention Louis L. Gerson's all-too-brief discussion of the fascinating subject of "Immigrant Groups and American Foreign Policy," Robert H. Ferrell's analysis of Wilson's contradictory statements regarding "Open Diplomacy," Eugene Davidson's critical discussion of the Nuremberg Trials, and Arthur Kemp's re-examination of the Summit conferences during the last war. William S. Stokes sheds light on the roots and nature of "Cultural Anti-Americanism in Latin America," while James C. Malin surveys critically theories of sea, land and air-power and their relationships to modern *Geopolitik*.

Indian National Congress, a descriptive bibliography of India's struggle for freedom. BY JAGDISH SARAN SHARMA. (Delhi, Jullundur, Lucknow, S. Chand & Co., 1959. Pp. xxxviii, 816. Rs. 40.00.)

The 9,135 annotated entries covering the period December 28, 1885, to December 1958 present the picture of the struggle of the Congress Party for the political freedom of India and the subsequent task of "bringing about social and economic freedom." The writer seems to have had full access to the records of the Party. The first part of the work is an alphabetical subject arrangement, and the second part is a chronology.—(J. B. C.)

Foreign policy of India. Texts of documents, 1947–1958. BY THE LOK SABHA [PARLIAMENT] SECRETARIAT. (New Delhi, Lok Sabha Secretariat, 1958. Pp. 326. Rs. 5.00.)

The compilation includes the "texts of basic documents regarding the various Treaties of Friendship, Joint Communiques, Joint Statements, and Agreements, etc., entered into or issued by the Government of India from 1947 to 1958." The arrangement is chronological, and extends through September 12, 1958. The preface is signed by M. N. Kaul, secretary, Lok Sabha.—(J. B. C.)

SELECTED ARTICLES AND DOCUMENTS ON
INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS

Catholic University of America

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Statistical Analysis in Comparative Administration: The Turkish Conseil d'État. By Robert V. Presthus with Sevda Erem. (Ithaca: Cornell University Press. 1958. Pp. viii, 55. $2.00.)

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Solon and His Political Theory. By John E. Rexine. (New York: The William Frederick Press. 1958. Pp. 21. $1.00.)

Committee Clearance of Administrative Decisions. By William E. Rhode. (East Lansing, Michigan: Bureau of Social and Political Research, Michigan State University. 1959. Pp. 71.)

The Structure of Competitive Industry. By E. A. G. Robinson. (Chicago: University of Chicago Press. 1959. Pp. xii, 156. $2.25.)

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Fundamentals of Government. By Henry J. Schmandt and Paul G. Steinbicker. (Milwaukee: The Bruce Publishing Company. 1958. Pp. xii, 507.)

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The Society of Captives: A Study of a Maximum Security Prison. By Gresham M. Sykes. (Princeton, New Jersey: Princeton University Press. 1958. Pp. xx, 114. $3.75.)

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Participation of the United States in the International Labor Organization. By John B. Tipton. (University of Illinois Institute of Labor and Industrial Relations. 1959. Pp. 150. $2.00.)

Our United States: Its History in Maps. By Edgar B. Wesley. (Chicago: Denoyer-Geppert Company. 1957. Pp. 96.)

Public Assistance Personnel: Educational Requirements and Training Facilities. By Kermit Wiltse. (Berkeley: Bureau of Public Administration. 1959. Pp. vii, 51. $2.00.)

The Rule of Law in the United States: A Statement by the Committee to Cooperate with the International Commission of Jurists. The American Bar Association Section on International and Comparative Law. (New York: 1958. Pp. 108.)

The Rule of Law in the Federal Republic of Germany: A Statement by the German National Section of the International Commission of Jurists. (The Hague: International Commission of Jurists. 1958. Pp. 41.)

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NEWS AND NOTES

NOMINATIONS

The Association's Committee on Nominations invites all members to propose candidates for the elective offices of the Association, to wit: President-Elect, three Vice-Presidents, Secretary, Treasurer, and eight members for two-year terms on the Council. Suggestions and supporting statements may be sent to any member of the Committee: John Masland, Dartmouth College, chairman; Ethan Allen, University of Kansas; Hugh Elsbree, Library of Congress; Thomas Jenkin, University of California (Los Angeles); William Marvel, Princeton University; Donald Strong, University of Alabama. The sooner suggestions are received the better; to be considered at all they must arrive by March 15, 1960.

PROFESSIONAL CONFERENCES

Fifty-Fifth Annual Meeting of the American Political Science Association: Minutes of the Council Meeting

The Council of The American Political Science Association met at 9:30 A.M., September 9, 1959 at the Mayflower Hotel in Washington, D.C. with President Taylor Cole presiding. The following members of the Council, nominees for election in 1959, and former presidents of the Association were present: William Anderson, Taylor Cole, Robert E. Cushman, John A. Davis, Arthur B. Dugan, David Fellman, Ernest S. Griffith, Charles M. Hardin, Francis Heller, Ralph K. Huitt, Marian Irish, Max M. Kampelman, Evron M. Kirkpatrick, M. R. Merrill, Harvey C. Mansfield, Arthur Naftalin, Elmer Plischke, C. Herman Pritchett, Emmette S. Redford, Victoria Schuck, George W. Spicer, Paul Steinbicker, Carl B. Swisher, John A. Vieg, Robert A. Walker.

Harvey Mansfield, Editor of the REVIEW; Emmette S. Redford, Program Chairman; Evron M. Kirkpatrick, Executive Director; and Max M. Kampelman, Treasurer, presented their reports. Printed copies of these reports were made available to the Council members and will also be available at the business meeting. The following items stemming from the above reports were unanimously approved by the Council:

1. A motion by Harvey Mansfield, seconded by Elmer Plischke, that Dwight Waldo be added to the Editorial Board of the REVIEW.
2. A motion by Taylor Cole, seconded by John Vieg, accepting the report of the Editor of the REVIEW and expressing appreciation to the Editor and the Editorial Board for their excellent work.
3. Evron Kirkpatrick's motion, seconded by John Vieg, accepting the recommendation of the Executive Committee that the term of Harvey Mansfield as Editor of the REVIEW be extended for three years from September 1959.
4. Max Kampelman's motion, seconded by John Vieg, authorizing the Executive Committee and Treasurer to continue the practice of reinvesting dividends and capital gains in the Eaton Howard Stock Fund.
5. A motion by Evron Kirkpatrick, seconded by Milton Merrill, changing the date of the fiscal year, beginning with fiscal 1960, so as to end on June 30 rather than July 31.
6. A motion by Ralph Huitt, seconded by Elmer Plischke, to accept the report of the Chairman of the Program Committee in the form of the Program for the Annual Meeting.
7. A motion by Austin Ranney, seconded by Evron Kirkpatrick, expressing the appreciation of the Council for the excellent work of the Chairman and Members of the Program Committee.

The Council undertook a lengthy discusion of the motion unanimously adopted by the Executive Committee recommending an increase in dues for the Association. This increase, in the form of a constitutional amendment, was available in printed form as follows:

Article III: Membership (Proposed)

1. Annual Members. Any person sharing the objects of this Association may become a member upon payment of *fifteen* dollars and thereafter may remain such by paying annual dues of *fifteen* dollars.

2. *Sustaining* Life Members. Any person paying dues of *one thousand* dollars in a lump sum, or in installments spread over not more than ten years, shall become a Life Member of this Association, and thereafter be exempt from further dues.

3. Student Members. Any graduate or undergraduate student registered in a college or university may become a Student Member of the Association upon payment of *six dollars* and may remain such while he is so registered, *but for no more than five years,* by paying annual dues of *six* dollars.

4. Family Members. Another person in the family of a member may become a Family Member upon payment of two dollars, and may remain such as long as there is another Association member in the family, by paying annual dues of two dollars.

5. *Retired Members. Any member who has been a member for twenty consecutive years prior to retirement shall be entitled, on retirement, to continue membership at the reduced rate of eight dollars per year.*

6. *Institutional and Library Memberships. The dues and privileges of Institutional and Library Members shall be fixed by the Council but dues may not be less than those for Annual Members.*

7. Privileges of Members. Each member, other than a Family Member, shall be entitled to a copy of each number of *The American Political Science Review* issued during his membership. All members, upon payment of such registration fee as the Council may approve, shall be entitled to attend and to participate in the Annual Business Meeting of the Association.

Austin Ranney moved and Ralph Huitt seconded a motion to approve the proposed amendment. John Vieg moved and Ernest Griffith seconded a proposal to amend the motion with respect to retired members by changing the word "twenty" to "twenty-five" and by striking out the word "consecutive." Vieg's motion was approved unanimously.

John Davis moved, seconded by Ernest Griffith, that the word "retirement" in the proposed constitutional amendment be understood to mean "not fully employed." This motion was unanimously approved. The original motion by Austin Ranney, as amended, was then adopted unanimously.

Ralph Huitt moved that the Executive Committee be instructed to investigate the possibility of graded memberships, taking note of provisions made by other associations and providing for a membership of younger members with dues between student membership and full membership. The motion was seconded by Francis Heller and adopted unanimously.

In addition to these actions flowing from the reports of the officers of the Association, the following motions were unanimously adopted:

1. Francis Heller moved, seconded by John Vieg, that the recommendation of the Executive Committee regarding the appointment of David Truman to succeed Gabriel Almond as the Association's representative on the Social Science Research Council be approved.

2. Elmer Plischke, seconded by Francis Heller, moved that the Council approve the recommendation of the Executive Committee that the annual meeting in 1961 be held in either St. Louis or Chicago, and that final decision be left to the Executive Committee.

3. It was moved by Milton Merrill and seconded by John Vieg that the President be authorized to appoint a committee, as requested by the Census Bureau, to advise the Census Bureau on the reporting of political and related data in the 1960 census.

4. Ralph Huitt moved, seconded by Ernest Griffith, that the Executive Director be instructed to seek continued support of the Woodrow Wilson Foundation Book Award by the Woodrow Wilson Foundation.

5. Elmer Plischke moved, seconded by Ernest Griffith, that the Council instruct the Executive Committee to explore the possibility of further book awards and develop a carefully planned and more fully developed award program.

6. Herman Pritchett moved and William Anderson seconded a motion authorizing the Executive Director to write a letter commending the Census Bureau for its publication of the census of local government.

7. John Vieg moved, seconded by Francis Heller, that the recommendation of the Executive Committee regarding presidential ap-

pointment of a committee to explore research activities that should be undertaken in the field of elections be approved.

The Council discussed at length various meeting dates for the 1960 Annual Meeting. No final decision was made; it was agreed that the final decision should be left to the discretion of the Executive Committee with the understanding that the President would seek further expression of membership opinion during the present Annual Meeting.

Evron Kirkpatrick reported that, on the basis of authorization by the Executive Committee, he had received a commitment for financial support from the SSRC and ACLS for holding the 1960 Round Table of the IPSA in the United States and that an invitation had been extended to IPSA.

Evron Kirkpatrick and Carl Swisher reported on a proposal for research cooperation between the Association and the Federal Bar Association Foundation. There was general agreement that the matter should be further explored and that Carl Swisher, Max Kampelman, and Evron Kirkpatrick should report back to the Executive Committee later this fall.

The meeting was adjourned by the President, Taylor Cole, at 4:45 P.M.

GWENDOLEN M. CARTER, *Secretary*

Minutes of the Business Meeting

The annual business meeting of The American Political Science Association convened Thursday, September 10, 1959 at 4:00 P.M. in the Grand Ballroom of the Mayflower Hotel in Washington, D. C. The meeting was called to order by President Taylor Cole, who reported on the activities of the Association during the past year. President Cole called attention to the outstanding work that had been done by the officers, the Executive Committee, the Council, and the Program Committee during the year.

Printed reports from the Managing Editor of the *American Political Science Review*, the Treasurer, the Executive Director, and a report, printed in the June REVIEW, of the Executive Committee's recommendation of the increase in dues were available at the meeting. These reports were then orally presented to the membership by the appropriate officers.

Gwendolen Carter, Secretary, read the minutes of the meeting of the Council of September 9. A motion to approve the actions of the Executive Committee was made and seconded, subject to separate consideration of the recommended increase in dues, and was adopted unanimously.

Kenneth W. Thompson, Chairman of the Nominating Committee, reported for the Committee. The following slate of candidates was recommended:—President-Elect: Emmette S. Redford (University of Texas); Vice Presidents: David Fellman (University of Wisconsin), George A. Graham (Brookings Institution), and Alpheus T. Mason (Princeton University); Secretary: Victoria Schuck (Mt. Holyoke College); Treasurer: Max M. Kampelman (Washington, D.C.); Council Members: Edward McN. Burns (Rutgers University), Charles E. Gilbert (Swarthmore College), Arthur Naftalin (Commissioner of Administration, State of Minnesota), George A. Shipman (University of Washington), George W. Spicer (University of Virginia), Paul G. Steinbicker (St. Louis University), Robert Walker (Stanford University), and Rene De Visme Williamson (Louisiana State University). Mr. Thompson moved the election of the above slate; the motion was seconded from the floor and unanimously approved.

Max Kampelman moved the adoption of the proposed constitutional amendment, as amended by the Council, to increase the membership dues. (See Council Minutes above.) This motion was seconded from the floor. After discussion, the amendment to the constitution was unanimously adopted.

Mr. Kampelman then moved the adoption of the Treasurer's report in full; the motion was seconded and unanimously approved.

George Galloway moved and Herman Pritchett seconded a motion expressing full confidence in, and great appreciation to, the Treasurer and Executive Director for their excellent work during the past year. The motion was unanimously approved.

President Cole took up the discussion of alternate dates for the 1960 meeting. While the opinion of the membership was fairly closely divided, the largest number expressed approval for the Thursday, Friday, and Saturday following Labor Day.

Resolutions of appreciation to the Local Arrangements Committee, the Program Committee, and the Board of Editors were also passed unanimously.

President Cole turned the gavel over to President-Elect Carl B. Swisher who adjourned the meeting at 5:53.

GWENDOLEN M. CARTER, *Secretary*

The eighteenth annual meeting of the Midwest Conference of Political Scientists will be held April 28–30, 1960 at Indiana University, Bloomington, Indiana. Merle Kling of Washington University, St. Louis is chairman of the program committee.

The Center for Technology and Administration studies of the School of Government and Public Administration of The American University on March 13, 14, 20, and 21, 1959 conducted a workshop on Automatic Data Processing Systems for the International Cooperation Administration. Among the persons appearing on the program of the workshop were Robert Malone, Navy Management Officer; Charles A. Phillips, Professorial Lecturer, school of government and public administration; Joseph F. Curringham, lecturer, school of government and public administration; Carl Byham, assistant to the comptroller, Southern Railway System; William Gill, U. S. Bureau of the Budget; and Professor Lowell H. Hattery, director of the Center.

The 17th Annual Institute on World Affairs was held at San Diego State College August 10–28, 1959, under the direction of Minos Generales. This year's theme was "World War III: The Silent War." Participants in the Institute included ambassadors Howard Beale of Australia, Nadim Dimechkie of Lebanon, Mohieddine Fekini of Libya, R. S. S. Gunewardene of Ceylon, and Miloslav Ruzek of Czechoslovakia. Attending the Institute also were Shao-chang Hsu, Minister of the Republic of China, Nugroho, Charge d'Affairs of the Indonesian Embassy, Yukio Hasumi, Consul General of Japan at Los Angeles, Romain Gary, Consul General of France at Los Angeles, Basil Bleck of the British Consulate at Los Angeles, and David Newsom, Officer in Charge of Arabian-Peninsula Affairs, United States Department of State. Other speakers included Admiral Herbert Hopwood, Commander in Chief, U.S. Pacific Fleet, Alexander Kerensky of the Hoover Library, Harold Urey and Willard Libby of the University of California, Ross Berkes, Rufus Von Kleinsmid, and Edward Stainbrook of the University of Southern California, Joseph Lauwerys of the University of London, Fred Neal of the Claremont Graduate School, James Gould of Claremont Men's College, Hubert Phillips of Fresno State College, and Richard Gripp, Andrew Szabo, Robert Wilcox, and Gerhard Wolter of San Diego State College. The press was represented in the institute sessions by Russell Brines and Rembert James of the Copley News Service. Hilton Goss headed a group of specialists who took part in the institute from the Technical Military Planning Operation of the General Electric Company. Congressman Bob Wilson, 30th District of California gave the final address.

The XIV Congress of the International Institute of Administrative Sciences, held at Wiesbaden, 31 August-3 September, 1959, attracted 478 delegates from 49 countries and 16 international organizations. On the theme of devolution of power to autonomous institutions, the general reporter was Brian Chapman (U.K.), the chairman Stefan Rozmaryn, (Poland). The U. S. reporter was Ferrel Heady, University of Michigan. On the structure and function of the Ministry of Finance, the general reporter was Laureano Lopez Rodo (Spain), the chairman Alfred Magain (Belgium). The U. S. reporter was Fritz Morstein Marx, U. S. Bureau of the Budget. On the increase of efficiency by incentives, the general reporter was Herbert Bursche (West Germany), the chairman Donald L. Stone (USA). The U. S. reporter was Harvey Sherman, Port of New York Authority. On the theme: Automation and the Public Service, the general reporter was Lowell Hattery, American University, the chairman Lyonel Wurmser (France). A session chaired by V. K. N. Menon (India) discussed the comparative report prepared by Andre Molitor (Belgium) for UNESCO, at the request of IIAS on the university teaching of public administration, the English version of which is about to be published by UNESCO. A session for members of councils of state and comptrollers, chaired by Guglielmo Roehrssen (Italy) discussed a paper by Herbert Weichmann (West Germany). In the triennial election of officers Frantz Hvass (Denmark) was reelected President, Herbert Emmerich (UN-USA) was elected vice-president, William F. Finan (USA) was reelected chairman of the committee on administrative practices. Other officers elected: vice-presidents, Sir Albert Day (U.K.), Henri Matton (Belgium), Luis Simoes Lopes (Brazil). Chairmen of Committees, in addition to Mr. Finan: Scientific Committee, Henry Puget (France); Editorial Committee, Laureano Lopez Rodo (Spain); Contracts Committee, Andre Molitor (Belgium); Committee on Comparative Administrative Cases, Gerit A. van Poelje (Netherlands). In 1960 IIAS will convene only its standing committees at a small meeting, probably at San Remo, Italy, in June. There will be a round-table in 1961 and a Congress in 1962—themes and place to be determined. The chief of the U. S. delegation was John W. Macy, Jr. Others among the delegation of 33, in addition to the reporters, chairmen and officers named above, were: Charles S. Ascher, Manlio de Angelis, John N. Hazard, Victor Jones, William Lawson, Jr., Arthur W. Macmahon, Kenneth Organski, Harvey Walker, James Watson, Edward Weidner, Belle Zeller, Virgil Zimmerman.

The 14th International Congress of Local Authorities, held in West Berlin 18–23 June, 1959, was the largest congress ever organized by the International Union of Local Authorities. More than 1,200 mayors, officials of cities and central governments, directors of municipal leagues and accompanying persons from 34 countries assembled to discuss Social Activities of Local Authorities, particularly youth programs and care of the aged. The general reporter on "Local Services for Young People" was Patrick Healy, Jr., executive director of the American Municipal Association. The general reporter on "Care of the Aged," was Kurt Heller, general secretary of the Austrian Union of Cities. Copies of the printed general reports, with supporting national reports from some 25 countries, may be obtained from IULA headquarters, 5 Paleisstraat, The Hague, Netherlands, in English, French or German editions. Invitations were extended to hold the 15th Congress in 1961 in Tel Aviv, Israel, and Washington, D. C. The choice of time and place will be made later by the executive committee. There were 37 delegates from the U.S.A. Patrick Healy, Jr., accompanied a group of mayors and officials from the American Municipal Association, Orin Nolting, executive director of the International City Managers Association, member of the Executive Committee and vice president of IULA, accompanied managers and mayors from manager cities. ICMA offered a dinner for 25 managers from Finland, Germany and Norway to meet Canadian and U. S. managers. Among the U. S. participants were: R. E. McLaughlin, president, board of commissioners, Washington, D. C., Mayor W. F. Duckworth, Norfolk, Va., Mayor James H. Kinsella, Hartford, Conn., Mayor J. E. Westford, Bellingham, Wash., Mayor L. L. Gillmore, Provo, Utah, C. A. Harrell, city manager of Cincinnati, Arthur S. Owens, city manager of Roanoke, Va. and president of ICMA, and Don C. Wagner, managing director, Philadelphia. A Canadian delegation of mayors and managers was led by Horace Boivin, Mayor of Granby, member of the Executive Committee of IULA, and George S. Mooney, executive director of the Canadian Federation of Mayors and Municipalities. Professor P. J. Oud, retired Burgomaster of Rotterdam, was reelected President. New members of the Executive Committee are: S. Hjars, Denmark, Dr. L. P. Khare, India, C.M.J.H. Hustinx, Netherlands, M. Dermastia, Yugoslavia, and a member from Japan to be named.

The Atlantic Congress, an unofficial assembly of almost 650 delegates from 14 of the 15 members of the North Atlantic Treaty Organization, convened in London, June 5–10, 1959. The proposal to hold an Atlantic Congress during the tenth year of NATO originated at the Third Annual Conference of NATO Parliamentarians in Paris in November, 1957. National Committees were set up in each of the NATO countries in 1958. These committees selected the delegates for the Congress and raised the funds to cover expenses of the Congress. The United States was allotted 130 delegates. A few of those appointed were unable to attend but the total attending was over 120, including at least 10 APSA members, four U. S. senators and 9 representatives. Cochairmen of the delegation were Senators Javits and Kefauver and Rep. Wayne Hays.

France, Germany, Italy and the United Kingdom each had 70 delegates. Other NATO countries were allotted smaller numbers. No one from Iceland attended, because of its unsettled dispute with Great Britain over fishing.

The delegates were assigned to one or another of five committees: A, Spiritual and Cultural; B, Political; C, Economic; D, Free World; E, Communist Bloc. Their reports, adopted at the Final Plenary Session, include recommendations for "increased consultation among member states," "broader and more frequent consultation among Parliamentarians of the Atlantic countries," but not a political federation. "The idea of such a federation at this time should not be ruled out, but we must face up to the possibility that it may be psychologically premature." In addition to urging NATO countries to avoid "restrictive economic measures" and to take "all feasible actions to reduce tariff barriers and maintain monetary stability" the Congress recommended "that the Atlantic countries should undertake a massive and sustained effort to help the peoples of the less developed countries to achieve a rising standard of living together with individual freedom, human dignity and democratic institutions; in this effort we must act not as outside patrons but as equal partners with them in a joint enterprise of freedom." Another recommendation was "That effective counter-measures be taken by NATO countries to combat Soviet ideological warfare and that there be set up an international unofficial free nations' organization for the dissemination of information to this end."

All of the committee reports and recommendations, together with the principal speeches in the plenary sessions and a summary of proceedings, are embodied in the *Report of the Atlantic Congress*. A copy may be obtained (until the supply is exhausted) on request to the United States Committee for the Atlantic Congress, Inc., 302 Old House Office Bldg., Washington 25, D. C. Many of the U. S. delegates to the Atlantic Congress attended, as observers, the Fifth Conference of NATO Parliamentarians which convened in Washington, November 16–20, 1959. Verbatim reports of that conference may be obtained from Representative Wayne L. Hays, chairman of the U. S. delegation.—HOWARD WHITE.

OTHER ACTIVITIES

Evron Kirkpatrick, the executive director of the Association, has announced the winners of the 1959–60 Congressional Fellowship Program. Sponsored by the Association, this program brings 15 young journalists and political scientists to Washington for a 9-month period of work in Congressional and Senatorial offices.

This year's winners were: Political scientists—Daniel M. Berman (Washington College), Robert Gilpin, Jr. (University of California), James R. Klonoski (St. Olaf College), Richard H. Kosaki (University of Hawaii), Gerald Rigby (UCLA), Alan Rosenthal (Princeton University), C. Dale Story (Southern Methodist University), and Raymond E. Wolfinger (Yale University); Journalists—Forest Wm. Amsden (*The Coos Bay World*), Charles U. Daly (*White Plains Dispatch*), Harry W. Ernst (*The Charleston Gazette*), Ron M. Linton (*Louisville Courier Journal*), Daniel D. McCrary (*Wall Street Journal*), Michael J. Maloney, Jr. (*Cincinnati Enquirer*).

Dr. Kirkpatrick has also announced that applications for the 1960–61 program should be sent to the Association's office so as to arrive no later than February 15, 1960.

A Center for Research on Conflict Resolution has been established at the University of Michigan under the direction of a faculty committee representative of several social science disciplines. Robert C. Angell of the sociology department of the University of Michigan heads the executive committee. The Center will continue the publication of the *Journal of Conflict Resolution*, and sponsor the development of interdisciplinary research programs relating to the problem of resolving conflicts in international relations. Correspondence regarding the Center may be addressed to 208 Economics Building, University of Michigan, Ann Arbor, Michigan.

For the thirteenth consecutive year, the Survey Research Center of The University of Michigan will hold its annual summer institute in Survey Research Techniques, designed to illustrate the theory and application of survey research to such fields as business and human relations, psychology and sociology, political behavior, public communication and influence, public health, economics, statistics, etc. Again this year a special workshop will be offered in the practical application of survey research methods to these individual fields.

The 1960 dates for the regular session are July 18 to August 13, with introductory courses offered from June 20 to July 16. For further information write to the Survey Research Center, The University of Michigan, Ann Arbor, Michigan.

John Clarke Adams of Syracuse University is spending the academic year in Florence, Italy, with a new program, Syracuse Semester in Italy.

Robert S. Babcock, lieutenant-governor of Vermont has received a part-time appointment for the first semester of 1959–60 as visiting professor of political science at the University of Vermont.

M. Margaret Ball, professor of political science at Wellesley College, has been awarded the first prize in the British section of the Atlantic Community Awards Competition for her book entitled *NATO and the European Union Movement.*

During the summer of 1959, Willard Barber, coordinator of senior officer training at the State Department's Foreign Service Institute consulted in Rangoon with officials of the Burmese government, at their request, regarding the organization, procedures, and curriculum which the Burma government will use in establishing a National Defense College in Rangoon. . . . It is expected that sessions of the new College will begin in June, 1960.

Paul C. Bartholomew, professor of political science at the University of Notre Dame, has been serving as a consultant to the city of Chicago in connection with that city's urban renewal community conservation program. During the past summer he was visiting professor of political science at Loyola University, Chicago.

George Bean, city manager of San Diego California, will offer a graduate seminar in public administration in the fall semester, 1959, at San Diego State College.

George Belknap, professor of political science at the University of California, Berkeley, has become director of voting analysis of the Democratic National Committee.

A. A. Berle has been appointed adjunct professor of government at New York University for 1959–60.

For the second straight year R. Wallace Brewster directed a summer course in the study of government offered in Paris by The Pennsylvania State University.

Richard L. Butwell of the University of Illinois has been granted leave of absence for the year 1959–60 to enable him to serve as a lecturer at the University of Rangoon.

E. Glenn Callen of Nebraska Wesleyan has been appointed a member of a citizens commission to study the function and structure of government in Lancaster county, Nebraska.

Earl C. Campbell, head of the department of political science and public administration, San Jose State College, retired in June, 1959, after 28 years of service at San Jose State College. He has since gone to Rio de Janeiro to serve under a contract between the University of Southern California and the State Department. Dr. Campbell expects to spend two years in Brazil as chief of party for a group of nine American consultants who will assist the Brazilian government in an advisory capacity in the field of public administration.

James B. Christoph of Ohio State University, has been appointed assistant dean of the college of arts and sciences on a half-time basis for two years. He will continue to teach courses in the department of political science.

Frederic N. Cleaveland has been granted a leave of absence from his position as chairman of the department of political science at the University of North Carolina to be visiting professor of political science for a year at the University of California at Berkeley. During his absence, S. Shepard Jones is serving as chairman of the department.

Dean R. Cresap, professor of political science, San Jose State College, has been granted a leave of absence for the academic year 1959–1960 to serve in Brazil under the contract between the University of Southern California and the State Department just mentioned above.

Paul T. David, senior staff member in government studies, The Brookings Institution, has received a leave of absence for the academic year 1959–1960. He will spend the year at the center for advanced study in the behavioral sciences.

Alex N. Dragnich of Vanderbilt University, is visiting professor of political philosophy at the Naval War College, Newport, Rhode Island, from July 1, 1959 to June 30, 1960.

Martin Dubin has become visiting assistant professor at Roosevelt University.

Paul S. Dull of the University of Oregon will be on sabbatical leave during 1959–60. Under a grant from the American Council of Learned Societies he will be at work on the preparation of studies pertaining to government and politics of Japan where he spent the past summer.

Frederick C. Engelmann, associate professor of political science of Alfred University, is spending the academic year 1959–60 in Austria to study the Austrian government coalition, under a grant of the Rockefeller Foundation. In the summer of 1959, he taught in the department of government of Cornell University.

David G. Farrelly of U.C.L.A. has been awarded a Fulbright Lectureship at the University of Bologna during 1959–60.

D. F. Fleming will be on leave from Vanderbilt University during 1959–1960 to serve as Fulbright Lecturer at the Indian School of International Studies in New Delhi.

J. Leiper Freeman of Vanderbilt University is spending the academic year 1959–1960 at the American University at Beirut, Lebanon, under a grant from the Rockefeller Foundation.

Julian R. Friedman, University of California, is visiting assistant professor at the department of political science, Maxwell School, Syracuse University, during this academic year.

Richard T. Frost of Princeton University served as executive assistant to the Governor's Commission to study the institutions and agencies in New Jersey.

L. F. E. Goldie, senior lecturer in law at the Canberra University College, Australia, has accepted an appointment as lecturer in the department of political science at the University of California (Los Angeles) for 1959–60.

Maure L. Goldschmidt of Reed College has accepted an appointment as visiting professor in the department of political science at the University of California (Los Angeles) for 1959–60.

Stephen S. Goodspeed of the University of California (Santa Barbara) served as visiting associate professor for the summer session at the University of California (Los Angeles).

R. T. Golembiewski, instructor of politics at Princeton University, will give a fall term course in public administration at the Bernard Baruch School of Business and Public Administration, CCNY.

Charles M. Hardin of the University of Chicago has been on assignment with the International Bank for Reconstruction and Development as part of a team to study and report on the agricultural potentialities of Pakistan.

Horace V. Harrison at Maryland is serving as acting head of the department of government and politics during the fall semester while Elmer Plischke is on sabbatical leave.

Ivan Hinderaker of the department of political science at the University of California (Los Angeles) has been granted a special leave from the department to accept an appointment as assistant to the Secretary of the Interior for the year, 1959–60.

Edward H. Hobbs of the University of Mississippi, spent the month of August as a fellow at the University of California attending the Second Annual Institute of Social Gerontology.

Willard N. Hogan, professor of political science, State University College of Education, New Paltz, New York, is serving as acting chairman, division of social science, during 1959–1960 while Eugene P. Link is lecturing in India under the Fulbright program.

Paul S. Jacobsen, chairman of the department of political science at Colgate University is on leave during the academic year, 1959–60, serving as a visiting professor in the overseas program of the University of Maryland.

G. Edward Janosik, University of Pennsylvania, has been appointed visiting lecturer in political science at Harvard College for the fall term, 1959–60.

Henry Janssen of San Diego State College received a grant from the Truman Institute for National and International Affairs for the summer, 1959, to do research on the presidency in the Truman Library.

Donald B. Johnson is serving as associate director of the Citizenship Clearing House under a leave of absence from the State University of Iowa.

Herbert Kaufman, associate professor of political science at Yale University, will be at the center for advanced study in the behavioral sciences, Stanford, California, for the year 1959–60.

William W. Kaufmann of Rand Corporation is the recipient of the Ford Research professorship in the department of political science at Yale University for the year 1959–60.

Stanley Kelley, Jr. of Princeton University is a member of the editorial board, *Public Opinion Quarterly*.

Willmoore Kendall, associate professor of political science at Yale University, will be on leave of absence for two years, 1959–61, to engage in research in Europe, on a Relm Foundation grant.

Leo P. Kibby, chairman, area of social sciences, San Jose State College, has been named acting head of the department and Frederic A. Weed, associate professor of political science, has been made his administrative assistant.

Evron M. Kirkpatrick, executive director of the American Political Science Association, has been appointed as professorial lecturer on political methodology in the department of government of Georgetown University.

Walter H. C. Laves, chairman of the department of government at Indiana University, has returned from Southeast Asia where he spent two months making an evaluation of the Indiana University–Thammasat University Public Administration Program in Bangkok, Thailand. He visited institutes of public administration in Manila, Pnom Phen, Djakarta, New Delhi, and Cairo. While in Djakarta, he completed arrangements for a contract between Indonesia and Indiana University, sponsored by the International Cooperation Administration, for cooperation in the institute of public administration. In Bangkok, he was invited by the Foreign Minister of Thailand to address senior officials in the Ministry of Foreign Affairs, and lectured before all students of public administration at Thammasat University. He studied U. S. cultural and technical cooperation programs in the Philippines, Thailand, Cambodia, Indonesia, India, and Egypt in connection with a research project at Indiana University.

Don Leiffer, chairman of the political science department of San Diego State College, is on a year's leave of absence to serve as research secretary to Governor Brown of California.

William S. Livingston will be absent for the academic year 1959–60 on a research grant to study political processes in England. He will be replaced at the University of Texas in the second semester by Allen M. Potter of the University of Manchester.

Dean E. Mann, assistant professor of government, University of Arizona, spent the month of October in Germany as the guest of the city of Ulm, surveying state and local government as part of an American team invited for that purpose.

Alpheus Thomas Mason of Princeton University was visiting professor of politics at the University of Colorado in the summer of 1959. He has been awarded a grant by the Rockefeller Foundation for a study of the office and powers of the chief justice of the United States.

Stuart A. MacCorkle has extended his leave of absence from the University of Texas through January 1960 to continue his work as advisor to the University of Seoul, Korea, where he has been engaged in the organization of the school of public administration.

R. W. McCulloch of Western State College of Colorado will be on sabbatical leave during 1959–60. Part of his time will be devoted to lecturing in the school of public administration, at the University of Southern California.

Dean E. McHenry of U.C.L.A. has accepted an appointment as academic assistant to the president of the University of California. He has been granted a special year's leave of absence from the department of political science.

Ernest E. Means of Florida State University is taking a two-year leave of absence to serve as executive director of the Judicial Council of Florida.

Lloyd D. Musolf, associate professor of political science, resigned from Vassar to accept a position at Michigan State University. He will serve with the International Cooperation Administration in Vietnam for two years.

Charles R. Nixon of the University of California (Los Angeles) is taking a two-year leave of absence from the department of political science to join the field staff of the project on Economic Development and Political Change in Africa South of the Sahara being undertaken by the Center for International Studies at M.I.T.

Alfred G. Obern, visiting associate professor at the University of Southern California, is being sent by that school to Brazil to assist in establishing a program in public administration at the University of Rio Grande do Sul.

William Whatley Pierson, formerly dean of the graduate school at the University of North Carolina as well as professor of political science, has been awarded one of the William Rand Kenan professorships at that institution.

Robert A. Rupen, associate professor of political science at the University of North Carolina, spent a month in the late summer in Outer Mongolia on invitation of the government of that country. This was his second visit there as observer and consultant; he had responded to a similar invitation in 1958.

Milton I. Sacks has been granted a leave of absence from Brandeis University to visit Haverford College as assistant professor of government.

John Schmidhauser of the State University of Iowa is spending the year at the University of Chicago Law School under a research fellowship in law and the behavioral sciences.

Charles Schleicher of the University of Oregon was visiting professor of political science at the University of Hawaii during the summer session.

Karl M. Schmidt, Jr., is in charge of an experimental teaching project for community leaders, Government in Action!, conducted jointly by the Maxwell School and University College, Syracuse University, with a grant from the Fund for Adult Education through the Carrie Chapman Catt Foundation.

Lester Seligman will direct the work of the newly established politics study center at the University of Oregon under a grant from the Falk Foundation.

Nai-Cheng Shen, of National Taiwan University and Tunghai University of Taiwan, has been named visiting professor of political science at the University of Vermont during the year 1959–60. His appointment is under a joint Fulbright-Smith-Mundt grant.

Ruth C. Silva, of the Pennsylvania State University, is devoting half her time during the fall semester to writing (a study of reapportionment), under the auspices of the New York State Constitutional Revision Commission.

John F. Sly of Princeton University served as consultant on taxation and finance to prelegislative conferences in Indiana and Hawaii; also as consultant to California groups on a proposed Golden Gate Transportation Authority.

W. J. Stankiewicz of the University of British Columbia served last summer with the Government of Ontario and taught during the summer session at the University of Toronto.

H. Arthur Steiner of the University of California (Los Angeles) has been granted a one-semester sabbatical leave to accept a Fulbright research grant in India (Delhi University) from 1 August 1959 to 1 February 1960.

Eduard Taborsky will be absent from the University of Texas during the second semester of the next academic year on a Guggenheim Fellowship to pursue his research on Czechoslovakian problems.

Peter Tang, lecturer in Far Eastern politics at Georgetown University, will be on leave of absence during the Fall semester, 1959 to do research in Formosa.

Nelson Taylor of Vassar College taught a graduate course in government this past summer at the C.C.N.Y.

William G. Torpey of The George Washington University, formerly full time manpower consultant with President Eisenhower's Committee on Scientists and Engineers, has transferred to the Executive Office of the President, Office of Civil and Defense Mobilization, in the same capacity, incident to the termination of the President's Committee.

Robert C. Tucker, associate professor of government at Indiana University, taught at Harvard University during the summer session.

Edgar Turlington, professorial lecturer in international law, will be on leave of absence from the government department, Georgetown University next year, to be secretary to the Committee on World Peace Through Law, of the American Bar Association.

Jorge B. Vivas has been appointed assistant-director and chief of the reference service of the Argentine Library of Congress. He will also be editor of the Bulletin of the Argentine Library of Congress.

A. J. Wann, associate professor at the University of Illinois Institute of Labor and Industrial Relations, will be on sabbatical leave of absence from September, 1959, to March, 1960, to travel in Italy, Austria, Germany, the Union of South Africa, and South West Africa, studying methods of regulating the conduct of labor and industrial relations.

Wilfred D. Webb has been on leave of absence from the University of Texas for the first semester of the current academic year, and visiting professor of public administration at Duke University.

Norman Wengert is on leave of absence from the department of government and politics of the University of Maryland for the academic year to serve as deputy director for studies of the United States Outdoor Recreation Resources Review Commission.

Leon O. Wolcott, formerly of the University of New Mexico, is serving as advisor on policy and administration to the Prime Minister of Iran under an ICA contract.

Charles E. Young of U.C.L.A. will lecture on legislative process during the spring semester at the University of California.

APPOINTMENTS AND STAFF CHANGES

Clark D. Ahlberg, formerly director of the New York State division of the budget, has been appointed vice president of Syracuse University.

Henry S. Albinski, from the University of Minnesota, has been appointed as an instructor at the Pennsylvania State University.

Gabriel A. Almond, formerly of Princeton University, has been appointed professor of political science at Yale University.

Curtis Amlund has been appointed instructor at the University of Oregon.

Samir Anabtawi, formerly of Yale University, has been appointed instructor of government at Dartmouth College.

Satish K. Arora, of Yale University, has been appointed assistant professor of government at Skidmore College.

Douglas Ashford of Princeton University has been appointed lecturer in the department of government at Indiana University.

James D. Atkinson has been promoted to the rank of associate professor in the department of government at Georgetown.

Richard D. Baker, who has been a part-time instructor at the University of North Carolina, has been appointed an instructor in political science at the University of Oklahoma.

John T. Ballard has been promoted to assistant professor at San Jose State College.

Arthur C. Banks, Jr., visiting professor of political science at Atlanta University, will become full professor of political science at Morehouse College and coordinator of social science studies.

Ruth Baumann received promotion to associate professor of political science in the extension division of the University of Wisconsin. She served as acting director of the bureau of government while the director, James R. Donoghue, was on leave.

Loren Alan Beals has been appointed lecturer in government and politics at the University of Maryland and executive secretary of the Maryland Municipal League.

William M. Beaney has been appointed professor of politics, Princeton University, and will serve as chairman of the department.

Carl Beck, recently of Duke University, has been appointed assistant professor in the department of political science and senior research associate in the administrative science center at the University of Pittsburgh.

Eliot S. Berkley has been appointed dean of administration at the Kansas City Art Institute and School of Design.

Marver H. Bernstein has been appointed professor of politics, Princeton University. He served as chairman, American Faculty Committee on the Israel Fellowship Program, 1958–59, traveling to Israel, May 29–June 17, 1959, to arrange the first summer's program for American Fellows.

W. Richard Bigger has been promoted to professor at San Diego State College.

David A. Bingham, formerly assistant professor of political science at Arizona State University, Tempe, Arizona, has recently accepted a position as research associate with the bureau of business and public research, University of Arizona.

Guthrie S. Birkhead has been appointed chairman of the department of political science and director of the public administration programs at the Maxwell School, Syracuse University.

Joseph B. Board, Jr., of Indiana University, has joined the faculty of Elmira College, as assistant professor of political science.

R. Jean Brownlee, University of Pennsylvania, has been named acting dean of the College for Women.

Anthony T. Bouscaren served on the faculty of The National Strategy Seminar, The National War College, Washington, D.C., during July, 1959, and has accepted a position as associate professor of political science at Le Moyne College, Syracuse, New York as of September, 1959, after resigning from Marquette University.

Ralph Braibanti of Duke University has been advanced to the rank of professor of political science. He spent the summer of 1959 continuing his research on bureaucracy in Pakistan and also visited Japan, Okinawa, Formosa, Malaya, Thailand and India.

Bernard E. Brown, formerly of Michigan State University and for the past two years in France doing research on French political institutions, is assistant professor of political science at Vanderbilt University.

Albert C. Brouse, graduate student at Stanford University, has been appointed assistant professor of political science for the year 1959–60 at San Jose State College.

Ronald F. Bunn and James R. Soukup have been advanced to the rank of assistant professor in the department of government at the University of Texas.

David Calleo, candidate for the doctorate in political science at Yale University, has accepted a position as instructor in political science at Brown University, beginning September, 1959.

John W. Chapman, formerly of Smith College, has been appointed associate professor of political science at the University of Pittsburgh.

Peter B. Clark, formerly of the University of Chicago, has been appointed an assistant professor in the department of political science at Yale University.

Edward F. Cooke, has been promoted to the rank of associate professor of political science at the University of Pittsburgh.

Wilder W. Crane and Bernard F. Gordon have joined the staff of the Vanderbilt University department of political science as instructors.

Finla G. Crawford retired in June 1959 from his position with Syracuse University.

Robert T. Daland, formerly assistant professor at the University of Connecticut, has been appointed associate director of regional extension of the urban studies committee and acting associate professor of political science at the University of North Carolina.

David J. Danelski, Gerald S. Maryanov and Denis G. Sullivan are new members of the political science staff at the University of Illinois.

Raymond Dawson, who has been an instructor at the University of North Carolina, has been appointed Mershon Research Fellow at Ohio State University.

JeDon A. Emenhiser, Ph.D. candidate at the University of Minnesota, has been appointed instructor in the department of government at the University of Redlands, Redlands, California, for the year 1959–60.

Martin L. Faust became acting director of the bureau of government research at the University of Missouri on September 1, 1959.

Mark F. Ferber, Ph.D. candidate and public administration analyst at UCLA has been appointed assistant director of the American Political Science Association and director of the Congressional Fellowship Program.

John H. Ferguson has been named director of the new institute of public administration at The Pennsylvania State University. For his recent work in Harrisburg as secretary of administration and budget director of the Commonwealth of Pennsylvania, he received the first annual award of the Central Pennsylvania Chapter of the American Society for Public Administration.

Webb S. Fiser has returned to the department of political science at Syracuse University from his work with the office of urban renewal of the city of Syracuse.

Joseph Fiszman has been appointed to an instructorship in political science at the University of Oregon.

Joseph P. Ford, who recently completed his Congressional Fellowship during which time he worked with Congressman Bass of New Hampshire and Senator Case of New Jersey, has been appointed to the political science staff of the University of New Hampshire.

Ludwig F. Freund has resigned from his position at Roosevelt University to return to Western Germany, where he has lecturing and writing commitments. He has also accepted the offer of the faculty of the Pedagogische Hochschule at Hannover to establish and head a department of political science. In his place Robert Runo has a three-year term as chairman of the department at Roosevelt.

Lawrence H. Fuchs, associate professor of politics, after directing research on the social and political history of Hawaii for one year, has returned to Brandeis where he has been appointed chairman of the department of politics.

William P. Gerberding of the University of Chicago has been appointed instructor in political science at Colgate University. He served during the past year as a Congressional Interne.

Hubert S. Gibbs has been promoted to the rank of full professor at Boston University.

Arthur Glover has been appointed assistant to the coordinator of overseas operations in the department of government at Indiana University.

Edward M. Goldberg, formerly instructor in political science at the University of Pennsylvania, has been appointed assistant professor of government at the University of New Mexico.

Marshall Goldstein is now instructor in political science at the University of Oregon.

Milton Greenberg has been promoted to associate professor at Western Michigan.

Fred I. Greenstein has been appointed an instructor in the department of political science at Yale University for the academic year 1959–60.

Elisha Greifer, formerly of Wheaton College, joined the department of political science at Vassar in September, 1958. This past summer he taught at New Paltz Teachers' College. He has recently been promoted to an assistant professorship.

Myron Q. Hale, formerly of Monmouth College, has been appointed visiting lecturer in the department of political science at the Ohio State University.

Manfred Halpern served as consultant in 1958–59 to the Rand Corporation, Santa Monica, California; also as consultant to Special Operations Research Office, American University, Washington, D.C. He has accepted an appointment as associate professor of politics (jointly with the department of oriental studies), Princeton University.

Rolf N. B. Haugen has been promoted to the rank of full professor at the University of Vermont, effective July 1, 1959.

Richard H. Hedrich has been appointed instructor in government and politics at the University of Maryland.

Bernard Hennessy of the department of government of the University of Arizona has been promoted to the rank of associate professor. He recently held a fellowship with the Democratic National Committee in Washington, D. C., and returns to the university in January.

James Herndon, doctoral candidate at the University of Michigan, has been appointed instructor in the department of political science at Drake University.

Milton Hobbs, of Northwestern University, has been appointed lecturer in government at Indiana University.

Vance Holland, who was at the University of Arizona for two years, has joined the staff of the department of political science of Brigham Young University.

W. V. Holloway has been appointed the vice president of the University of Tulsa, effective July 1, 1959. He will continue to occupy his present positions as dean of the graduate school and professor of political science.

James B. Horigan, S. J., formerly chairman of the department of government, has been appointed as acting dean of the graduate school of arts and sciences at Georgetown.

J. Woodford Howard, Jr. has been promoted to assistant professor at Lafayette College.

Lawrence Howard is now assistant professor of politics at Brandeis University.

Jack F. Isakoff, director of research of the Illinois Legislative Council, Springfield, Illinois, will become professor and chairman of the department of political science at Western Reserve University as of February 1960.

W. Turrentine Jackson has been named chairman of the department of history and political science at the Davis Campus of the University of California.

Daniel N. Jacobs, formerly of Hunter College, has been appointed assistant professor of government at Miami University (Ohio).

Whittle Johnston has been appointed assistant professor in the school of international service of the American University, Washington, D. C. He also received the Sumner Prize for 1958–59 at Harvard University for "the best dissertation . . . dealing with any means or measures tending towards the prevention of war and the establishment of universal peace."

Robert Dale Judy has been appointed instructor in political science in the extension division, University of Wisconsin, teaching at Manitowoc, Sheboygan, and Menasha

Erwin F. Karner, who did his graduate study at the University of Wisconsin, has accepted a position at Lees Junior College, Jackson, Kentucky.

Edward Katzenbach is now lecturer in politics at Brandeis.

Robert W. Kaufman has joined the department at Western Michigan.

Earle H. Ketchum retired in June, 1959 from his chairmanship and professorship, department of political science at Syracuse University.

T. James Leonard of the University of Minnesota has been appointed an assistant professor of political science at Arizona State University.

E. Lester Levine of the graduate school of the University of Chicago has been appointed instructor in political science at Occidental College.

George T. Little has been promoted to the rank of full professor at the University of Vermont, the promotion dating from July 1, 1959.

Charles B. McLane has been appointed professor of government at Dartmouth College.

William Manger, professorial lecturer in Latin American government and politics has been appointed director of the new Latin American studies program at Georgetown University.

Albert B. Martin, professor of political science, has been appointed dean of the school of liberal arts at the University of Pittsburgh.

Milton R. Merrill, formerly dean of the college of business and social sciences and head of the department of political science at Utah State University, also a member of the council of the American Political Science Association, has been appointed vice president of Utah State University. Dr. Merrill will continue as head of the political science department.

Ernest G. Miller, who received his doctorate at Princeton, joins the department of the University of California as assistant professor.

Milton B. Millon has been appointed director of the municipal technical advisory service of the bureau of governmental research at the University of Maryland.

Stephen R. Mitchell, who is currently completing his work for the doctorate in political science at the University of Wisconsin, will become an instructor in political science at Washington State University, Pullman.

Joseph Murphy has been appointed instructor in the department of politics at Brandeis.

James E. Nadonly has joined the department at Western Michigan.

Martin C. Needler, formerly of Harvard University, has been appointed instructor of government at Dartmouth College.

Robert Nelson, who received his doctorate from Fordham in June, has joined the political science faculty of Canisius College.

Morris S. Ogul has been promoted to the rank of assistant professor of political science at the University of Pittsburgh.

John R. Owens, formerly of the University of Michigan, has been appointed assistant professor in the field of political parties and process at the University of California.

William V. O'Brien has been promoted to the rank of associate professor in the department of government at Georgetown.

Jack W. Peltason has been promoted to full professor at the University of Illinois.

Howard R. Penniman, professor of American government, has been named chairman of the department of government at Georgetown University.

Harvey S. Perloff, Resources for the Future, has been appointed professorial lecturer in the school of government and public administration of The American University.

Paul A. Pfetzschner has been promoted to a full professorship at Lafayette College.

Frank P. Piskor has been appointed vice president for academic affairs at Syracuse University.

Robert C. Pitchell, formerly resident director of the Indiana Commission on State Tax and Financing Policy, has been appointed associate professor of government and associate director of the bureau of government research effective July 1, 1959.

Kirk H. Porter has become a professor emeritus at the University of Iowa, but is continuing his teaching during the current year.

James W. Pratt has been appointed assistant professor at Lafayette College.

Eugene C. Price has been promoted to assistant professor at San Jose State College.

Lucian W. Pye, associate professor of political science at the Massachusetts Institute of Technology, has been appointed visiting lecturer in the department of political science in Southeast Asia studies at Yale University.

Laurence I. Radway, professor of government, has been appointed chairman of the department of government at Dartmouth College.

Austin Ranney has been promoted to full professor at the University of Illinois.

Leo F. Redfern, formerly of the University of New Hampshire, was appointed assistant professor of political science at the University of Wisconsin, July 1. He is an assistant director of the bureau of government.

Ross R. Rice has been appointed chairman of the department of political science at Arizona University.

Joseph K. Roberts, Jr., instructor in government at Barnard, has been appointed instructor in government at Skidmore College.

John P. Roche, professor of politics, has been appointed dean of faculty at Brandeis University.

Eleanor Roosevelt has been appointed as visiting lecturer in politics at Brandeis University.

Edward J. Rozek has been promoted to the rank of associate professor at the University of Colorado. He also serves as assistant editor of *The Journal of Central European Affairs.*

Philip B. Secor, formerly political science research associate at Duke University, has been appointed instructor of political science at Dickinson College.

Foster H. Sherwood has accepted an appointment as chairman of the department of political science at the University of California, Los Angeles.

H. Gordon Skilling has left Dartmouth College to accept a position as professor of political economy at the University of Toronto, where he will help to develop a graduate program in Slavic Studies.

Frank Smallwood has been appointed assistant professor of government at Dartmouth College.

Frances L. Starner, formerly at the University of California, has been appointed assistant professor of political science and public administration at San Jose State College for the year 1959–1960.

Richard W. Sterling has been promoted to the rank of associate professor of government at Dartmouth College. He is on leave for the academic year 1959–1960 to accept a position as research associate at the Washington Center for Foreign Policy Analysis.

Charles I. Stastny, who has just completed his work for his Ph.D. at Harvard, has been appointed an instructor in the department of government of the University of New Hampshire.

Richard W. Staveley has been appointed assistant professor of political science at San Jose State College.

Richard Stevens, formerly of Wabash College, has been appointed assistant professor of government at the College of William and Mary.

Melvin P. Straus, formerly at the University of Texas, has been appointed assistant professor of political science at San Jose State College.

Frank Tachau has been promoted to assistant professor of history and government at the Purdue University Center in Fort Wayne, Indiana.

Peter A. Toma has joined the department of government of the University of Arizona as an assistant professor.

George O. Totten, formerly of the Massachusetts Institute of Technology, has been appointed assistant professor of government at Boston University.

Raymond Uhl of the University of Minnesota has been appointed professor of political science at Arizona State University.

Cecil Van Crabb has been made an associate professor at Vassar. Last summer he taught at The Johns Hopkins University. This winter he will give a course in American Foreign Policy at the Salzburg Seminar on American Studies.

Vernon Van Dyke has been named chairman of the department of political science at the University of Iowa. During the summer of 1959 he was a visiting professor at Columbia.

Melvin W. Wach has joined the department at Western Michigan.

Earle Wallace has been promoted to the rank of assistant professor of political science at the University of North Carolina.

Eugene V. Walter is now assistant professor of politics at Brandeis University.

H. Wesley Ward, associate professor of government of Southern Illinois University, accepted an appointment, effective September, 1959, as professor of political science and acting chairman of the division of social sciences, Elmira College, Elmira, New York.

James E. Watson, graduate student at the University of California (Berkeley), has been appointed assistant professor of political science, San Jose State College for this year.

David M. Welborn has been appointed lecturer in government and research assistant in the bureau of government research at Indiana University.

John P. Wheeler has become chairman of the newly established department of politics at Hollins College. He is also dean of the faculty. Other members of the department include Edwin Fedder, assistant professor and Joseph B. Hampton, assistant professor.

Robert F. Wilcox has been appointed chairman of the political science department at San Diego College.

J. D. Williams, recently promoted to the rank of associate professor in the political science department at the University of Utah, has been designated by the Board of Regents to be director, for the academic year 1959–60, of a new Bureau of Community Development, established within the Extension Division. Function of the new Bureau will be to launch in Utah a self-study town-meeting approach to community development, such as has been used in the states of Washington and Illinois. In his absence his classes will be taught by Kenneth W. Treacy.

David Wilson of Cornell University has accepted an appointment as lecturer in the department of political science at U.C.L.A.

Deil S. Wright, formerly of Wayne State University, has joined the department of political science at the State University of Iowa as an assistant professor.

Joseph J. Zasloff has been promoted to the rank of associate professor of political science at the University of Pittsburgh.

IN MEMORIAM

Daniel Bernard Carroll, McCullough professor of political science at the University of Vermont, and lately professor emeritus of political science, died suddenly at his home on April 19, 1959.

Professor Carroll's life in higher education, except for a bachelor's degree at the University of Illinois and a doctorate at the University of Wisconsin, was devoted wholly to the University of Vermont. He was born in Illinois and taught for some years in the public schools of that state and in Indiana. He served as a captain in the United States Army during World War I, and for a short while in 1924.

Professor Carroll served the University with great distinction as a teacher. A generation of students value the academic discipline they acquired in his classes. When he retired in 1951 a petition with hundreds of student signatures was presented to President Carlson asking that he be permitted to continue teaching. For nearly the entire length of his tenure at the University of Vermont, he was advisor to the Inter-Fraternity Council which now confers a cup bearing his name. His academic life was as genuine as was his social delight in advising students. He was a democrat in all the best senses of the word.

Professor Carroll served the academic community with merit. He steadily contributed review articles to learned journals and wrote more substantive pieces on unicameralism in state legislatures and on constitutional law. A bibliography of his writings shows his wide range of interest, from local government to international affairs. His favorite topic in political science was constitutional law: and he brought to that often ambiguous and opinion-dominated subject the precision of hard study and devotion to facts and clear reasoning. Professor Carroll's greatest contribution to the scholarly community perhaps was his skill in teaching by example. Inside his classroom and office he was tolerant of those who were striving for accuracy and understanding. Outside, on the campus and in the town, his friendliness and personal concern knew no bounds. He taught not only students, but faculty as well—a difficult accomplishment. Under his chairmanship a majority of the present department of political science at the University of Vermont had their first contact with the University. He leaves a double impression on his associates: that of uncompromising academic standards combined with a charming personal friendship.

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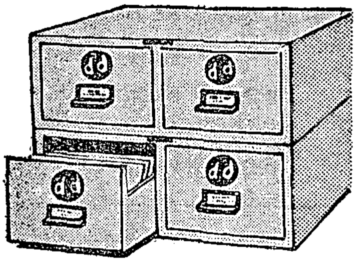

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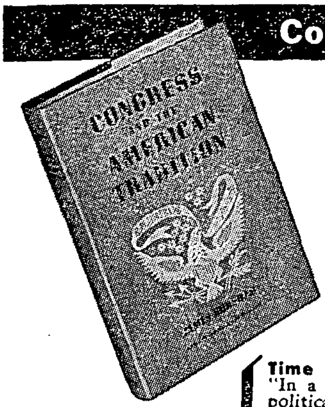

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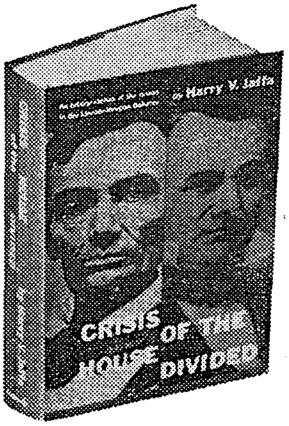
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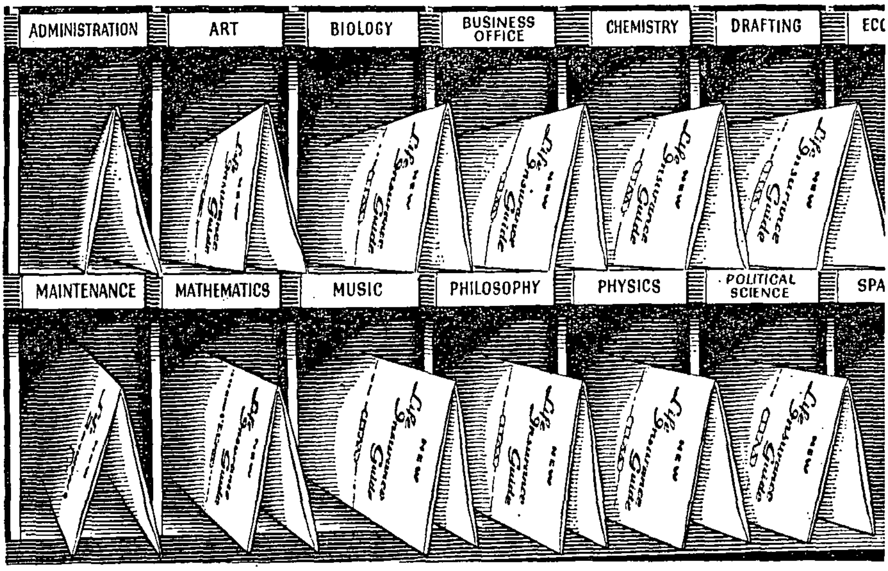
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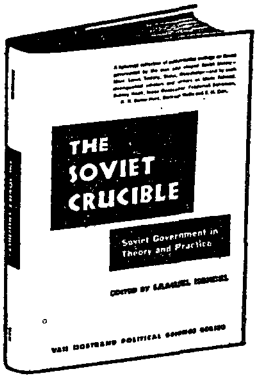
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